

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Plumbing and Gas Inspections
- 11.12 Mechanical Code
- 11.16 Fair Housing Code
- 11.20 Notice to Vacate
- 11.24 Numbering of Structures
- 11.28 Swimming Pools
- 11.32 Unsafe Buildings
- 11.36 Energy Code
- 11.40 Fire Code

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Permit required
- 11.04.02 Fees
- 11.04.03 Expiration
- 11.04.04 Violation and Penalties:

11.04.01 Permit required It shall be unlawful to commence the construction, reconstruction, moving, demolition, or structure alteration of any building, including but not limited to, pre-fabricated, constructed on site building, and metal storage buildings, until a permit for such work has been issued. No building permit shall be issued unless the proposed construction or use is in full conformity with all laws, ordinances, and regulations (i.e. subdivision, zoning, etc.) (Ord. No. O-2020-10, Sec. 1.)

11.04.02 Fees

- A. That attached Exhibit A, Schedule of Permit and Inspection Fees, is hereby adopted by reference as though they were copied here fully.

Exhibit A to Ord. No. O-2020-10
Building Permit and Inspection Fees

Residential	Permit Required?	Cost
New Construction	Yes	\$.15 per square foot ¹
Addition/Enclosure	Yes	\$.15 per square foot ¹
Detached Storage Building	Yes	None
Fence	Yes	None
Any other structure attached to a permanent structure	Yes	\$.15 per square foot ¹
Certificate of Occupancy		\$25.00

Commercial	Permit Required?	Cost
New Construction	Yes	\$.21 per square foot ²
Addition/Enclosure	Yes	\$.21 per square foot ²
Detached Storage Building	Yes	\$.21 per square foot ²
Fence	Yes	\$.21 per square foot ²
Any other structure attached to a permanent structure	Yes	\$.21 per square foot ²
Certificate of Occupancy		\$25.00
AR Commercial Construction Surcharge		\$.50 per every \$1,000 Construction Cost (Max \$1,000.00)

Inspection Fees		
Item	Permit Required	Cost
Plumbing	Yes	\$18.00 per Inspection
Gas	Yes	\$18.00
HAVA	Yes	\$18.00 per Inspection
Slab	Yes	\$18.00 ³
Reinspection	Yes	\$12.00 per Inspection

(Ord. No. O-2020-10, Sec. 2, Exh. A)

11.04.03 Expiration All building permits shall be issued by the city business office and all permit fees shall be paid to and collected by the city business office of the city of Ward. It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until the building permit for such work has been issued. (Ord. No. 0-17-95A, Sec. 3.)

Work for which a Permit has been issued must begin within a 6-month period from the date of the Permit or a new Permit must be obtained and fees paid. (Ord. 2020-10, Sec. 4)

¹ Heated/Cooled and Non-Heated/Cooled Combined

² Heated/Cooled and Non-Heated/Cooled Combined

³ If an inspection is available

11.04.04 Violation and Penalties:**I. Stop Work Order Issuance:**

- a. A Stop Work Order may be issued whenever work on any building or structure is being executed contrary to the without first obtaining the proper permit. (Ord. No. 2020-10, Sec. 3)
- b. Upon issuance of a Stop Work Order, **all** work shall be immediately stopped until a proper permit is issued.
- c. The Stop Work Order shall be in writing and shall be posted in a location clearly visible from the street accessing the property. Work crews on-site will be made aware of the Stop Work Order as well as the owner/developer if they can be located in a timely manner.
- d. The Stop Work Order shall state the violation and the conditions under which work will be permitted to resume.

II. Penalty:

- a. Anyone issued a permit after a Stop Work Order has been issued will be charged the normal fee for the permit PLUS an additional 100% penalty.
- b. Both the normal fee and penalty **MUST** be paid before the permit is issued.

CHAPTER 11.08**PLUMBING AND GAS INSPECTIONS**Sections:

11.08.01	Requirement
11.08.02	Fees

11.08.01 Requirement Public safety and welfare require that certain inspections and examinations be performed on certain buildings by city officials. (Ord. No. WC-6-93, Sec. 1.)

11.08.02 Fees The city of Ward shall charge the following fees for inspections:

Plumbing inspections

Mobile Home Set	\$12.00
Home – pier and beam	\$24.00
Home slab	\$36.00

Gas inspections

\$12.00

These fees shall be paid to the city of Ward. (Ord. No. WC-6-93, Secs. 2-3.)

CHAPTER 11.12

MECHANICAL CODE

Sections:

11.12.01	Adopted
11.12.02	Amendments
11.12.03	Copies
11.12.04	Fine

11.12.01 Adopted There is hereby adopted by the city of Ward the Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the 1991 Edition, thereof, save and except such portions amended in 11.12.02 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alteration, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and public welfare.

For the purpose of this ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the "Administrative Authority" authorized to enforce the provisions of the Mechanical Code. (Ord. No. 0-2395, Sec. 1.)

11.12.02 Amendments The aforementioned code shall be amended as follows:

The 1991 Edition of the Arkansas Mechanical Code is a minimum code for the state. This section is for any changes that a city desires to make from 1991 Edition of the Arkansas Mechanical Code, to increase the severity of the code and including, but not limited to fees. If the fees are not to be amended, Appendix B, Schedule of Permit Fees, shall be specifically adopted. Likewise Appendix A, Guideline for Estimating Heat Loss and Gain, shall be specifically adopted. (Ord. No. 0-2395, Sec. 2.)

11.12.03 Copies Three (3) copies of this code have been and are now in file in the office of the Recorder/Treasurer and/or Building Official of the city of Ward, Arkansas, and the same are hereby adopted and incorporated, as amended, as if the set out 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 Ward, Arkansas, except as regulated by other ordinances of the city of Ward Municipal Code. (Ord. No. 0-2395, Sec. 3.)

11.12.04 Fine A.C.A. 15-55-102 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 considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of the ordinance or other provisions of this ordinance shall be punishable by a fine up to Two Hundred Fifty Dollars (\$250.00). Each day that said violation continues shall be separate offense and each day subsequent to the first day of the violation shall be punishable by a fine up to Two Hundred Fifty Dollars (\$250.00). (Ord. No. 0-2395, Sec. 4.)

CHAPTER 11.16

FAIR HOUSING CODE

Sections:

- 11.16.01 Policy
- 11.16.02 Definitions
- 11.16.03 Unlawful practice
- 11.16.04 Discrimination in the sale or rental of housing
- 11.16.05 Discrimination in the financing of housing
- 11.16.06 Discrimination in the provision of brokerage services
- 11.16.07 Exemption
- 11.16.08 Administration
- 11.16.09 Education and conciliation
- 11.16.10 Enforcement
- 11.16.11 Investigations; subpoenas; giving of evidence
- 11.16.12 Enforcement by private persons
- 11.16.13 Interference, coercion, or intimidation
- 11.16.14 Separability of provisions
- 11.16.15 Prevention of intimidation in fair housing cases

11.16.01 Policy It is the policy of the city of Ward, Arkansas to provide, within constitutional limitations, for fair housing throughout the city. (Ord. No. 84-12-14, Sec. 1.)

11.16.02 Definitions

Dwelling means any building, 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, structure, or portion thereof.

Family includes a single individual.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

To rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

Discriminatory housing practice means an act that is unlawful under 11.16.04, 11.16.05 and 11.16.06. (Ord. No. 84-12-14, Sec. 2.)

11.16.03 Unlawful practice Subject to the provisions of subsection (B) and section 7, the prohibitions against discrimination in the sale or rental of housing set forth in 11.16.04 shall apply to:

- A. All dwellings except as exempted by subsection (B).
- B. Nothing in 11.16.04 shall apply to:
 1. Any single-family house sold or rented by an owner;
 - a. Provided that such private individual owner does not own more than three (3) such single-family houses at any one time;
 - b. 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;
 - c. 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 (3) such single-family houses at any one time;
 - d. Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title 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 11.16.04(C) 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
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:
1. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of this own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.
(Ord. No. 84-12-14, Sec. 3.)

11.16.04 Discrimination in the sale or rental of housing As made applicable by 11.16.03 and except as exempted by 11.16.03(B) and 7, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.
(Ord. No. 84-12-14, Sec. 4.)

11.16.05 Discrimination in the financing of housing It shall be unlawful 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 or dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, 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 or 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 or other financial assistance is to be made or given, provide, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in 11.16.03(B). (Ord. No. 84-12-14, Sec. 5.)

11.16.06 Discrimination in the provision of brokerage services It shall be unlawful to deny any 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 in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. No. 84-12-14, Sec. 6.)

11.16.07 Exemption Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit 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, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. No. 84-12-14, Sec. 7.)

11.16.08 Administration

- A. The authority and responsibility for administering this act shall be in the Chief Executive Officer of the city of Ward.
- B. The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The Chief Executive Officer shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.
- C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer to further such purposes. (Ord. No. 84-12-14, Sec. 8.)

11.16.09 Education and conciliation Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. No. 84-12-14, Sec. 9.)

11.16.10 Enforcement

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice.

Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (C), the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer

decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction there shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year.

- B. A complaint under subsection (A) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If within thirty (30) days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.
- D. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. No. 84-12-14, Sec. 10.)

11.16.11 Investigations; subpoenas; giving of evidence

- A. In conducting an investigation the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation, provided however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures.

The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

- B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five (5) days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the District or State Court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.
- G. The City Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this ordinance.

11.16.12 Enforcement by private persons

- A. The rights granted by 11.16.03, 11.16.04, 11.16.05 and 11.16.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred, provided, however, that the court shall continue such civil case brought pursuant to this section or 11.16.10(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court, and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this ordinance, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the failing of a complaint or civil action under the provisions of this ordinance shall not be affected.
- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than One Thousand Dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff, provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.
(Ord. No. 84-12-14, Sec. 12.)

11.16.13 Interference, coercion or intimidation It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having

exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by 11.16.03, 11.16.04, 11.16.05 or 11.16.01. This section may be enforced by appropriate civil action. (Ord. No. 84-12-14, Sec. 13.)

11.16.14 Separability of provisions If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. No. 84-12-14, Sec. 14.)

11.16.15 Prevention of intimidation in fair housing cases Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- A. Any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation or any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 1. Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 11.16.15(A); or
 2. Affording another person or class of persons opportunity or protection so to participate; or
- C. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in 11.16.15(A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both, and if bodily injury results shall be fined not more than Ten Thousand Dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both, and if death results shall be subject to imprisonment for any term of years or for life. (Ord. No. 84-12-14, Sec. 15.)

CHAPTER 11.20

NOTICE TO VACATE

Sections:

- 11.20.01 Serving of notice
- 11.20.02 Fee

11.20.01 Serving of notice It is necessary for the official of the city of Ward to serve Notice to Vacate at certain times and to certain individuals within the Ward city limits. Because of the time required for service of Notice to Vacate, a fee is required. (Ord. No. WC-5-93, Sec. 1.)

11.20.02 Fee

- A. The city of Ward shall charge Fifteen Dollars (\$15.00) for service of all Notices to Vacate.
- B. This fee shall be paid to the city of Ward.
(Ord. No. WC-5-93, Secs. 2-3.)

CHAPTER 11.24

NUMBERING OF STRUCTURES

Sections:

- 11.24.01 Uniform system
- 11.24.02 Implementation of 911
- 11.24.03 Location
- 11.24.04 Address numbers
- 11.24.05 Placement of numbers
- 11.24.06 Good repair
- 11.24.07 Street signs

11.24.01 Uniform system There is hereby established a uniform system for posting the city-assigned house number on the property frontage on all streets, roads, avenues and public and private ways where a habitable structure exists. (Ord. No. 0-794, Sec. 1.)

11.24.02 Implementation of 911 The city of Ward officials will, in cooperation with the United States Postal Service, notify each city resident of their physical address during the implementation of the Emergency 911 communication system. This number will remain assigned to the physical location regardless to any changes in the occupant of the property. (Ord. No. 0-794, Sec. 2.)

11.24.03 Location The address is based upon the location. Should a numbered structure be destroyed and a new structure erected on the same site or lot, the original address would then be assigned to the new structure. (Ord. No. 0-794, Sec. 3.)

11.24.04 Address numbers Each structure will be clearly identified by the posting of the address numbers in a conspicuous location within twenty feet of the right-of-way of the public road serving that structure. The numbers used for posting will be of a minimum height of three (3) inches. (Ord. No. 0-794, Sec. 4.)

11.24.05 Placement of numbers In cases where the structures are within fifty (50) feet of the right-of-way identified in 11.24.04, the numbers may be placed in a conspicuous location on the structure. (Ord. No. 0-794, Sec. 5.)

11.24.06 Good repair It shall be the responsibility of the property owner to insure that the numbers are kept in good repair and easily identifiable from the road identified in 11.24.04. Failure to post the assigned addresses at every structure or to keep the address sign in good repair will result in prosecution and fine of not more than Twenty-Five Dollars (\$25.00). (Ord. No. 0-794, Sec. 6.)

11.24.07 Street signs The Street Department of the city of Ward has or shall erect at every intersection involving a city street a sign identifying said street or streets. These street signs are the property of the city and protected as such. Vandalism of these signs will result in prosecution, restitution and fine. The fine shall not exceed One Thousand Five Hundred Dollars (\$1,500.00). (Ord. No. 0-794, Sec. 7.)

CHAPTER 11.28

SWIMMING POOLS

Sections:

- 11.28.01 Definitions
- 11.28.02 Fencing
- 11.28.03 Fine

11.28.01 Definitions

Fence – a close type vertical barrier not less than four (4) feet in height above ground or more than two (2) inches from the ground at bottom. A woven wire, chain link, picket, or solid board type fence or a fence of similar construction that will prevent the smallest children from getting through and has a gate capable of being locked shall be construed as being within this definition.

Swimming pool – any receptacle of water, owned or operated by any person, that is constructed, installed, or maintained in or above the ground for the purpose of immersion or partial immersion of human beings for swimming or bathing, that is not drained, cleaned and refilled after each user and that has a depth of more than twenty-four (24) inches. (Ord. No. 0-00697, Sec. 1.)

11.28.02 Fencing

- A. It shall be unlawful for any person to construct, maintain, possess, use or control any swimming pool located outdoors, unless such swimming pool is completely enclosed by a substantial fence, wall or barrier not less than four (4) feet in height above the ground surface.
- B. All fences, gates and door opening shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed. The gates and doors shall be locked at all times the swimming pool is not in use.
- C. All fences required by this section shall conform to the city's Building Code and zoning ordinance.
- D. There shall be a period of ninety (90) days from the passage of this ordinance to allow existing swimming pool owners to bring their pools in compliance with this ordinance. (Ord. No. 0-00697, Sec. 2.)

11.28.03 Fine Any person convicted of violating this ordinance shall be guilty of a misdemeanor and punished by a fine of not more than Twenty-Five Dollars (\$25.00) per day for each day of violation. (Ord. No.0-00 97, Sec. 3.)

CHAPTER 11.32

UNSAFE BUILDINGS

Sections:

11.32.01	Definitions
11.32.02	Violation
11.32.03	Jurisdiction
11.32.04	Abatement notice
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11.32.01 Definitions The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code Enforcement (Building) Official means the person responsible for enforcing the provisions of this article.

Dangerous means, with reference to a building or structure, that it:

- A. Is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- B. Lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public
- C. Is a dilapidated building or structure.
- D. Is a substandard building or structure.
- E. Is an unsafe building or structure.

Dilapidated building or structure means a building, structure, dwelling, dwelling unit, multiple dwelling, apartment, apartment house including among others, a garage, shed, and similar accessory structure, which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, is unsafe, unsanitary, or which constitute a fire hazard, or is otherwise dangerous to human life and are no longer adequate for which they were originally intended.

Owner means the hold of the title in fee simple and any person, partnership, corporation or association in whose name tax bills on property are submitted. **Owner** also means any person who, alone or jointly or severally with others:

- A. Has legal title to any building or structure, with or without accompanying actual possession thereof; or
- B. Has charge, care or control of any building or structure, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee I possessions, assignee of rents, lessee, or other person in control of a building or structure, or his duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Substandard dwelling or structure means a dwelling unit, multiple dwelling, apartment, apartment house or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic requirements.

Unsafe building or structure means a building or structure that is unsafe. All dwelling, apartment houses, rooming houses or buildings or structures, used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. (Ord. No. 0-2007-03, Sec. 1.)

11.32.02 Violation It shall be a violation of this article for any owner, as defined herein, to permit, allow remaining, failing to take action to demolish and/or remove or correct, or fail to board and secure any dangerous, dilapidated, substandard or unsafe building or structure as directed by the city. (Ord. No. 0-2007-03, Sec. 2.)

11.32.03 Jurisdiction In every case in which any person shall be prosecuted and found guilty of a violation of any of the provisions of this article or any other ordinance of the city in relation to nuisances, it shall be competent for, and shall be the duty of the District Court, if the circumstances of the case require it, to make an order requiring the removal, abatement or discontinuance of the nuisance shown in such case, and to order and direct that if within a reasonable and given time therein named, the same shall not be removed, abated or removed by

the person or persons proceeded against therefore, such nuisance shall be abated or removed by the Code Enforcement Official with such assistance as he/she may deem necessary to call to his/her aid for that purpose, and in such case the person proceeded against shall be responsible for all the costs and expenses incurred in the removal or abatement of such nuisance by the Building Official. (Ord. No. 0-2007-03, Sec. 3.)

11.32.04 Abatement notice

- A. Whenever the Building Official shall find any building or structure to be dangerous, unsafe, or unfit for human habitation, as defined in this section, he/she shall, in accordance with established procedure for legal notices, give notice to the owner of such building or structure. The notice shall:
1. Be in writing
 2. Include a description of the real estate sufficient for identification.
 3. Include a statement of the defects found by the Building Official.
 4. State time within which the building or structure occupants must be vacated, if appropriate.
 5. Require that all necessary permits be secured and work commenced within thirty (30) days of the notice, and to commence specified repairs or improvements, or to demolish and remove the building or structure or portion thereof, and said work shall be continued to satisfactory completion within such time as the Building Official determines.
 6. State that, if such repairs, reconstruction, alteration, removal or demolition are not completed within the stated time as set forth in the notice, the Building Official may institute legal proceedings by charging the person with a violation of this code or may cause through demolition or otherwise, an abatement of the nuisance.
 7. State that the owner shall board and secure the structure or condition within the time set forth in the notice and that the owner shall maintain such boarding or securing at all times until the structure is brought into full compliance with this code or is razed and removed following approval and permitting as otherwise required or specified by the city. Boarding and securing of the structure or condition does not relieve the owner of the requirement to diligently pursue rehabilitation and repair or demolition and/or removal of the structure or condition. All boards and materials used to secure shall be weatherproofed or treated and shall be painted and maintained with a color of paint which blends with the overall structure.

B. Service of the notice shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a responsible adult; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address by certified mail, return receipt requested, with postage prepaid thereon; and
3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated or repaired. (Ord. No. 0-2007-03, Sec. 4.)

11.32.05 Abatement by city

- A. If, after a diligent search, the owner, agent or person in control of premises subject to a notice served pursuant to this article cannot be found within a reasonable time limit, or if the owner, agent, or person in control fails, neglects, or refuses to comply with the notice to repair, rehabilitate, secure, or demolish and remove the building or structure the Building Official, after having ascertained the cost, shall refer the matter of removing the building to the City Council.

If the City Council deems the structure unsafe and that it is in the best interest of the city to proceed with the removal of the unsafe structure, it shall enact an ordinance ordering the property owner to raze and remove the unsafe structure, with work thereon to commence within ten (10) days and be completed within thirty (30) days.

If the property owner fails to do so, the Mayor or his authorized representative shall cause the unsafe structure to be razed and removed. The Building Official may require that the building or structure remain vacant during the pendency of the action or until the nuisance is abated.

- B. Expenses incurred by the city under this section shall be charged against the premises and shall constitute a lien thereon. The amount of the lien may be determined at a hearing before the City Council held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners is known. If the name of the owner or owners cannot be determined, then the hearing before the City Council may be held after publication of notice of such hearing in a newspaper having a bona fide circulation in the county, for one (1) insertion per week for four (4) consecutive weeks.

The amounts due the city as determined at the hearing, including all costs incurred by the city relevant to the nuisance, plus ten percent (10%) penalty for collection, shall be certified by the City Council by ordinance to the County Tax Collector, to be placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent taxes, and the amount, less three percent (3%) thereof, when so collected, shall be paid to the city by the County Tax Collector. IN the alternative, the lien provided for pursuant to this chapter and state law may be enforced in Circuit Court at any time within eighteen (18) months after work has been completed. (Ord. No. 0-2007-03, Sec. 6.)

11.32.06 Removal of placard notice No person shall deface or remove a placard posted pursuant to this article unless authorized to do so. (Ord. No. 2007-3, Sec. 7.)

11.32.07 Emergency abatement In cases of emergency which, in the opinion of the Building Official, involve imminent danger to human life or health, he/she shall promptly cause such building, structure or portion thereof to be made safe or removed, whether the procedure prescribed in this section has been instituted or not. For this purpose, he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he/she may deem necessary. He/she may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary and, for this purpose, may close a public or private way. The city shall place and enforce a lien upon the premises for expenses incurred by the city under this section as previously set forth. (Ord. No. 0-2007-03, Sec. 8.)

11.32.08 Fine Any person convicted of a violation of any of the provisions of the article shall be punished as stated below:

- A. A person convicted of a violation of this ordinance shall be punished by a fine no less than Five Hundred Dollars (\$500.00), or double the sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.
- B. Violations of this code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief.
(Ord. No. 0-2007-03, Sec. 9.)

CHAPTER 11.36

ENERGY CODE

Sections:

11.36.01 Adopted

11.36.01 Adopted There is hereby adopted by the City Council of the City of Ward, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this Code known as the 2014 Arkansas Energy Code, being particularly the 2014 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 2014 Arkansas Energy Code, have been and now are filed in the office of the City Clerk of the City of Ward, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out a 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 Ward, Arkansas. (Ord. No. 2018-02, Sec. 1)

CHAPTER 11.40

FIRE CODE

Sections:

11.40.01 Adopted
11.40.02 Publication

11.40.01 Adopted The City of Ward does hereby adopt, by reference, the Arkansas Fire Prevention Code, 2012 Edition, Volumes I, II and II and any subsequent Editions and/or Volumes thereto. (Ord. No. 2021-14, Sec. 1)

11.40.02 Publication Pursuant to ACA 14-55-207, three (3) copies of the code or an electronic version) have been available to the public for inspection prior to the passage of this Ordinance. (Ord. No. 2021-14, Sec. 2)