

TITLE 11

BUILDINGS AND CONSTRUCTION

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CHAPTER 11.04

BUILDING PERMIT

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11.04.01 Building permits Pursuant to the city of Mayflower ordinances, Zoning Regulations and the Subdivision of Land and Control of Development Regulations, and in complete agreement with the provisions of those ordinances, a city of Mayflower building permit

shall be required before work may be commenced on the construction, or the clearing or excavation for the construction, of any building or structure, or the moving or alteration of any building within the city limits of Mayflower and its planning jurisdiction. (Ord. No. 96-2, Sec. 1.)

11.04.02 Application for building permit The application for any building permit will be submitted by the landowner concerned to the Code Enforcement Officer, also called Enforcement Officer, and shall contain as a minimum the following information:

- A. Name, address, and telephone number of the applicant.
- B. Type building to be constructed.
- C. Location of the building site.
- D. Outside dimensions of the buildings site.
- E. Outside dimensions of the proposed building.
- F. Classification of zoning district.
- G. Date on which construction is proposed to begin.
- H. Proposed building distances from all lot lines.
- I. Proposed building setback from street right-of-way
- J. Source of water and location of the source.
- K. Proposed disposal of sewage.
- L. Proposed source of electric power, propane or natural gas.
(Ord. No. 96-2, Sec. 2.)

This ordinance shall adopt the current codes adopted by the State of Arkansas as listed above. This ordinance shall apply to all residential, commercial, agricultural, and public building permits approved after the effective date of the ordinance for all construction, remodel, or change-out projects within the jurisdictional authority of the City of Mayflower. Any pending or uncompleted projects for which building permits have been issued prior to the date of this ordinance, or projects for which final occupancy has not been approved, shall be evaluated based on existing building codes adopted by the City of Mayflower at the time of the application for building permit. (Ord. No. 2023-04, Sec. 2)

11.04.03 Duration of building permit No excavation or clearing or construction may begin prior to the issuance of a building permit by the city of Mayflower. If a building permit is issued, no excavation or clearing or construction may begin until the date proposed on the application. All construction and excavation must be complete within one (1) year of the date proposed on the application. Failure to complete within one (1) year will require a new building permit application and the payment of all applicable fees. No building permits will be issued more than ninety (90) days prior to the proposed date of beginning excavation, clearing, or construction. Any building permit issued will remain valid only for a period of ninety (90) days from its date of issue and becomes void if excavation, clearing, or construction has not begun within that period. (Ord. No. 96-2, Sec. 3.)

11.04.04 Hazards to motorists No buildings, structures, fences, signs, trees, shrubs or hedges shall be placed that create a hazardous condition for people traveling on city streets or highways. (Ord. No. 96-2, Sec. 4.)

11.04.05 Adoption of codes

- A. The following International Codes as approved by the state of Arkansas are adopted by reference as though they were copied herein fully:

International Building Code	2012 Edition
International Existing Building Code	2012 Edition
Standard Unsafe Building Abatement Code	2012 Edition
Standard Swimming Pool Code	2012 Edition

(Ord. No. 2014-03, Sec. 1)

Arkansas Fire Prevention Code Rules	2021 Edition
Arkansas Plumbing Code	2018 Edition
Arkansas Fuel Gas Code	2018 Edition
International Energy Conservation Code	2009 Edition
NFPA 70NEC	2017 Edition

(Ord. No. 2023-04, Sec. 1)

The Arkansas Gas Code	2006 Edition
The National Fire Protection Association Life Safety Code	2012 Edition

(Ord. No. 2014-03, Sec. 1)

The Arkansas Mechanical Code	2010 Edition
The National Electric Code	2014 Edition
The Arkansas Energy Code	2014 Edition

(Ord. No. 2015-01, Sec. 1)

- B. As part of the Standard Building Code, but with limitations, the 2012 edition of the International Residential Code is expressly adopted for one and two family dwellings. Also, as part of the Standard Building Code, and Arkansas Fire Code, but without limitation, the latest edition of the National Fire Protection Association's Life Safety Code (NFIPA 101) is expressly adopted as a reference guide. (Ord. No. 2014-03, Sec. 2)
- C. From the date on which this Ordinance shall take effect, the provisions of the aforementioned code shall be controlling of all buildings and other structures within the corporate limits of the City of Mayflower, Arkansas, except as regulated by other Ordinances of the City of Mayflower Municipal Code. (Ord. No. 2015-01, Sec. 2)

- D. **Penalty.** Arkansas State Law (Ark. Code Ann. § 14-55-102) empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violation of any of the provisions of any of the Codes herein shall be considered a violation of this Ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the provisions of any of the Codes herein adopted as a result of this Ordinance or other provisions of the 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 the violations shall be punishable by a fine of up to \$250.00 per day. (Ord. No. 2015-01, Sec. 3)

11.04.06 Designation of city officials

- A. The Fire Chief of the Mayflower Volunteer Fire Department shall be the designated official for enforcement of the above-mentioned Standard Fire Prevention Code, the Arkansas Fire Code, and the National Fire Code.
- B. For all other adopted codes, the Mayflower Code Enforcement Officer, also called Enforcement Officer, shall be the designated official for the above-mentioned codes. During extended absence or disability, the Mayor of the city of Mayflower may designate an acting building official. Also, should the workload become too great for a single Code Enforcement Officer, the Mayor may seek approval from the City Council for additional Code Enforcement Officers to act under the same provisions of this ordinance. And finally, should inspection and enforcement require specialized training of skills, the Mayor may temporarily appoint such person(s) for the duration of inspection and enforcement activities with the approval of the Mayflower City Council.
- C. The Code Enforcement Officer shall be the designate of the Mayor of Mayflower with respect to the enforcement of the Zoning Regulations and the Subdivision of Land and Control of Development Regulations.

Specifically, the Subdivision of Land and Control of Development Regulations allow for administration and enforcement by the Mayor's designate, according to the following sections:

- Section 14.04.01
- Section 14.04.02
- Section 14.04.07
- Section 14.04.09
- Section 14.04.11
- Section 14.04.13

Also, the Zoning Regulations allow for administration and enforcement by the Mayor's designate, according to the following section:

- Section 14.04.01
- Section 14.04.02
- Section 14.04.07
- Section 14.04.09
- Section 14.04.11
- Section 14.04.13

- D. The Code Enforcement Officer(s) shall be appointed by the Mayor of Mayflower and confirmed by the Mayflower City Council. The appointment shall continue during good behavior and satisfactory service.
- E. The Mayor may temporarily suspend the Code Enforcement Officer, with pay, for cause until the next regularly scheduled meeting of the Mayflower City Council, where a full hearing will be conducted on the cause and the suspension either lifted without prejudice or made permanent (termination) by a vote of the City Council. At the hearing, the suspended Code Enforcement Officer will have an opportunity to respond to the accusation or cause before action is taken by the City Council. (Ord. No. 96-2, Sec. 6.)

11.04.07 Qualifications of the Code Enforcement Officer The Mayflower Code Enforcement Officer shall be a legal person of lawful age, in good health, physically capable of making the necessary examinations and inspections. The Enforcement Officer shall not have any

interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alterations, removal, and demolition. The Enforcement Officer shall not have any interest whatever, directly or indirectly, in any land sale, excavation, clearing, or construction activity for which the Enforcement Officer is involved in the issuance of permits, approvals, inspections or enforcement activities. No part of this section shall be implied or expressed in violation with any applicable State of Arkansas or Federal statutes, including, but not limited to, laws protecting equal employment rights for minorities, women, and the handicapped. (Ord. No. 96-2, Sec. 7.)

11.04.08 Duties of the Code Enforcement Officers The Code Enforcement Officers shall:

- A. Receive applications required by this ordinance, issue permits and furnish the prescribed certificates.
- B. Examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely.
- C. Enforce all provisions of the Building Code.
- D. Make investigations in connection with matters referred to in the building code and render written reports on the same (when requested by proper authority or when the public interest so required).
- E. Enforce compliance with the law, to remove illegal or unsafe conditions to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, and issue such notices or orders as may be necessary.
- F. Accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability, except that no certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified by a responsible officer of such service.
- G. Keep comprehensive records of applications, or permits issued, or certificates issued, of inspections made, or reports rendered, and of notices or orders issued.
- H. Maintain all records open to public inspection for good and sufficient reasons during the required office hours, but shall not be removed from the office of the Code Enforcement Officer, except by lawful court order or by the direction of the Mayflower City Council.
- I. Make written reports to the Mayor of Mayflower (with a copy provided to the Mayflower Planning Commission) once each month by a date specified by the Mayor, or more often if requested, including statements of permits and certificates issued and orders promulgated.

- J. Ensure compliance with the Building Code and the ordinances providing for Zoning Regulations and the Subdivision of Land and Control of Development Regulations by applying to a court of law for an order of compliance or injunction, removal of hazards, or to enforce the payment of fees and penalties. (Ord. No. 96-2, Sec. 8.)

11.04.09 Codes Review Committee The city of Mayflower shall form and appoint a Codes Review committee to hear appeals from denial or disapproval of permits related to the Building Code. The Mayor of Mayflower shall appoint three (3) members of the Mayflower City Council to serve on the Codes Review Committee and the Chairman of the Mayflower Planning Commission shall appoint three (3) members of the Planning Commission to the Codes Review Committee. Under no circumstances shall a person be appointed who is also Chief of the Mayflower Volunteer Fire Department or a Code Enforcement Officer. The six (6) members of the Codes Review Committee shall elect among themselves a non-voting Chairman. The Committee shall review regularly (at least once per year) the technical application of the Building Code in the community, the compliance procedures and reporting, and recommend needed changes or revisions to the City Council. The Codes Review Committee shall be responsible for seeing that the codes are kept up to date and that enforcement is effective and efficient, yet fair and equitable, and that there is coordinated action on the part of the separate enforcement agents. The Committee shall also work with officials in neighboring communities to establish a code and enforcement system that will have uniform application. The Committee shall convene at the order of the Mayor of Mayflower to hear appeals and other wise as the Committee or its Chairman see fit and necessary. (Ord. No. 96-2, Sec. 9.)

11.04.10 Liability Any officer or employee of the city of Mayflower or the Mayflower volunteer Fire Department, charged with the enforcement of this ordinance, acting for the city of Mayflower in the discharge of his or her lawful duties, shall not thereby render themselves liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of these duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provisions of this code shall be vigorously defended by the City Attorney or the legal representative of the city of Mayflower. (Ord. No. 96-2, Sec. 10.)

11.04.11 Right of entry The Code Enforcement Officer, in the discharge of these official duties, and upon proper identification, shall have the authority to enter any building, structure, site or premises at any reasonable hour. (Ord. No. 96-2, Sec. 11.)

11.04.12 Bonds

- A. Every master plumber doing business in the city of Mayflower, Arkansas, shall execute and deliver to the city a bond with a surety bonding company for each plumbing permit issued in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been

delivered to the city and is in full force and effect.

- B. Any person, firm or corporation doing electrical business in the city of Mayflower, Arkansas, shall execute and deliver to the city a bond with a surety bonding company for each electrical permit in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city of any citizen for any damage caused the failure of such person, firm or corporation doing the electrical work to comply strictly with the provisions of this ordinance. No electrical permit shall be issued unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 96-2, Sec. 12.)

11.04.13 Street and sidewalk openings

- A. All openings made in the public streets, alleys or sidewalks 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 result.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to persons or property. (Ord. No. 96-2, Sec. 13.)

11.04.14 Cross connections - backflow

- A. The City Water Department and the Code Enforcement Officer of the city of Mayflower, Arkansas, are hereby authorized to discontinue or cause to be discontinued all water 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 regulations of the Arkansas State Board of Health having not been complied with.
- B. The City Water Department and the Code Enforcement Officer of the city of Mayflower, Arkansas, are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards, it shall be the duty of said department and said enforcement officer 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, and the regulations of the Arkansas State Board of Health, have been complied with. (Ord. No. 96-2, Sec. 14.)

11.04.15 Modifications The Chief of the Mayflower Volunteer Fire Department shall have the power to modify any of the provisions of the Standard Fire Prevention Code, the Arkansas Fire Code, or the National Fire Code, hereby adopted, upon application in writing by the owner or lessee, or duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of these codes, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Mayflower Volunteer Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant, the Code Enforcement Officer, Mayflower Planning Commission, Mayor of Mayflower, and the City Council. (Ord. No. 96-2, Sec. 15.)

11.04.16 Appeals

- A. Should the Chief of the Mayflower Volunteer Fire Department disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief to the Mayflower Codes Review committee. Such appeals must be made to the Mayor of Mayflower with payment of the filing fee within thirty (30) days of the date of disapproval or denial. The Mayor of the city of Mayflower shall notify the Chief of the appeal, the date of the hearing and order the Mayflower Codes Review Committee to convene within thirty (30) days of receipt of the appeal to hear the appeal and render a decision to approve or reject the appeal. The decision of the Mayflower Codes Review committee is final.

- B. Should the Code Enforcement Officer disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Code Enforcement Officer to the Mayflower Codes Review committee. Such appeals must be made to the Mayor of Mayflower with payment of the filing fee within thirty (30) days of the date of disapproval or denial. The Mayor of the city of Mayflower shall notify the Code Enforcement Officer of the appeal, the date of the hearing and order the Mayflower Codes Review committee to convene within thirty (30) days of receipt of the appeal to hear the appeal and render a decision to approve or reject the appeal and render a decision to approve or reject the appeal. The decision of the Mayflower Codes Review Committee is final.
(Ord. No. 96-2, Sec. 16.)

11.04.17 Fees All fees associated with building, construction, and land development issues shall be set by the City Council and shall be modified or amended, from time to time, without necessity of an ordinance, as the City Council may deem it necessary.

A. Building permit fees:

Residential Buildings

New Homes	\$100.00 (inside) \$200.00 (outside)
Mobile Homes	\$100.00
Additions to Residence	\$40.00 plus \$1.00 per \$1,000 cost
Storage and Detached Buildings	\$40.00 plus \$1.00 per \$1,000 cost
House Moving	\$125.00
House Demolition or Razing	\$75.00
Commercial or Industrial	\$250.00

Plus \$.10 per square foot. There is a state surcharge of \$.50 per One Thousand Dollars (\$1,000.00) or estimated total cost.

B. Electrical Permit Fees:

Commercial and Industrial	\$100.00 plus \$.06 per square foot
Residential	\$100.00
Remodeling (any type of structure)	\$20.00
E-1 Permit	\$25.00 (inside) \$35.00 (outside)

C. Plumbing Permit Fees (includes water and sewer line inspections):

Residential Permit

1 Bath	\$60.00 (inside) \$95.00 (outside)
1½ to 2 Baths	\$65.00 (inside) \$95.00 (outside)
2 ½ to 3 Baths	\$85.00 (inside) \$105.00 (outside)
3 ½ Baths or more Baths	\$110.00 (inside) \$125.00 (outside)

Commercial or Industrial Permit

1 to 5 Urinals or Commodes	\$150.00
6 to 10 Urinals or Commodes	\$250.00
11 or more Urinals or Commodes	\$400.00

D. Service Connection Fees:

Inside City Limits

¾" water tap	\$860.00
1" water tap	\$1,150.00

2" water tap	\$4,315.00
3" water tap	\$4,515.00

Outside City Limits

3/4" water tap	\$960.00
1" water tap	\$1,250.00
2" water tap	\$4,415.00
3" water tap	\$4,615.00

(Ord. No. 2017-05, Sec. 1)

Deposits and Service Charge Fees

Rent Deposits	\$150.00
Service Fees.	\$55.00
After Hours Service Fees	\$110.00

(Ord. No. 2017-05, Sec. 1)

New Subdivision The developer shall pay \$225.00 for the Radio Read Meter per lot or water service connection.

If required to cross a public street, there shall be an additional road boring fee, this fee will be provided to the customer once the cost of the road bore has been determined.

The above fees do not include plumbing inspection or meter deposit.
(Ord. No. 2017-05, Sec. 1)

<u>Inside city limits Commercial and Industrial Sewer Tap</u>	\$350.00
<u>Inside city limits Sewer Tap</u>	\$300.00
<u>Outside city Limits Commercial and Industrial Sewer Tap</u>	\$450.00
<u>Outside city limits Sewer Tap</u>	\$400.00

Areas not served by city sewer must complete the Soil Percolation Test required by the Arkansas Health Department. Test must be approved prior to installing a septic tank and receiving water. (Ord. No. 2007-7, Sec. 1.)

E. **Water Service Deposit**

Own	\$40.00
Rent	\$100.00
Commercial	\$115.00

If Water Department personnel make additional trips a \$20.00 service all fee will be charged.

Sewer Tap	\$300.00 (inside)	\$400.00 (outside)
Commercial Sewer Tap	\$350.00 (inside)	\$450.00 (outside)

F. Mechanical and HVACR Inspections:

Residential Inspections:

One (1) Unit	\$50.00	\$75.00 (outside)
Each Additional Unit	\$20.00	

Commercial Inspections:

Up to Four (4) Units \$100.00

Each Additional Unit Over Four (4) Units \$20.00

Note: One (1) Unit consists of One (1) Air Conditioner Unit and One (1) Heating or Combination Heat/Air Unit.

Inspection of Alterations: The fee for inspecting alterations and additions to an existing system shall be \$20.00 unless a new unit is installed.

Re-inspection:

In the event it becomes necessary \$25.00 (inside) \$35.00 (outside)

G. Miscellaneous Fees:

Temporary Service	\$25.00 (inside) \$35.00 (outside)
Meter Loops	\$25.00 (inside) \$35.00 (outside)
Mobile Home Connections	\$25.00 (inside) \$35.00 (outside)
Replacement of Water Line	\$25.00 (inside) \$35.00 (outside)
Gas Permit or Replacement of Gas Line	\$25.00 (inside) \$35.00 (outside)
(Ord. No. 2008-11.)	

H. The Building Code Inspection fee shall be Thirty Dollars (\$30.00) per visit whether by the Fire Chief of the Mayflower Volunteer Fire Department, as required for fire prevention, or by the Code Enforcement Officer, relating to all other adopted codes. Contractors and builders are encouraged to combine inspections whenever possible into a single visit to minimize the number of visits required by the Code Enforcement Officer during the construction process.

I. The Filing Fees for Subdivision Plat, Rezoning, Site Plan, Conditional Use Permit, Accessory Use Permit, Board of Zoning Adjustment, Inspection Fees for Water and Sewer Infrastructure, and Codes Review Committee Requests shall be as follows:

Subdivision Plat Filing Fee
(Preliminary and Final Plats)

Plat Size (In Acres)	Fees
less than 10	\$100 plus \$2.00 per lot
>10 to 20	\$200 plus \$2.00 per lot
>20 to 40	\$300 plus \$2.00 per lot
greater than 40	\$400 plus \$2.00 per lot

Rezoning Request Fee, by Zoning District

Parcel Size (In Acres)	R1	R2	R4	RS	Cl	C2	C3	C4	11
less than .5	75	100	100	100	100	100	100	100	100
.5 to 2.0	75	100	100	100	100	125	125	125	100
>2.0 to 5.0	100	100	100	100	100	150	150	150	200
>5.0 to 10	100	150	150	150	200	200	200	200	250
>10 to 20	125	200	200	200	300	300	300	300	300
>20 to 40	125	250	400	400	400	400	400	400	300
over40	200	300	300	300	500	500	500	500	400

Zoning Site Plan Filing Fee

Parcel Size (In Acres)	Fee	(Additional reviews, \$50.00)
up to 10	\$125	
>10 to 160	175	
over 160	250	

<u>Conditional Use Permit Fee</u>	All Sites	\$125
<u>Accessory Use Permit Fee</u>	Residential Sites	\$25
<u>Board of Zoning Adjustment Appeal Filing Fee</u>	All Appeals	\$100
<u>Codes Review Committee Appeal Filing Fee</u>	All Appeals	\$100
<u>Certificate of Occupancy Fee</u>	Temporary	\$25
	Permanent	50

J. None of the fees paid under this ordinance are refundable by the city of Mayflower and payment of fees does not guarantee approval or acceptance. Approval and acceptance of an application, inspection or appeal depends upon compliance with the adopted codes and regulations of the city. Fees shall be paid to the City Clerk at the time of the filing of the request or appeal. (Ord. No. 96-2, Sec. 17.)

K. Inspection of the water and sewer infrastructure The developer shall provide plans of the total footage of infrastructure which consist of water main, water service lines, sewer mains and sewer service lines.

Inspection fee \$1.00 per foot
(Ord. No. 2007-7, Sec. 1.)

11.04.18 Corrections to Zoning Regulations

- A. The Mayflower Zoning Regulations has a typographical error allowing for the misspelling of "yard" on page 15 of the regulation. This section corrects the spelling of "yard."
- B. Due to a word processing error, the "City Council" was inserted in the Mayflower Zoning Regulations instead of the correct "Board of Zoning Adjustment" in Section 2.3, paragraph 1.
- C. Due to a word processing error, the phrase "Board of Zoning Adjustment or" was omitted from the Mayflower Zoning Regulations immediately before the reference to the City Council in Section 7.8, paragraph I.
- D. Due to a word processing error, the "City Council" was inserted in the Mayflower Zoning Regulations instead of the correct "Board of Zoning Adjustment" in Section 7.10.9. (Ord. No. 96-2, Sec. 18.)

11.04.19 Saving clause Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 96-2, Sec. 19.)

CHAPTER 11.08

PLUMBING CODE

Sections:

11.08.01	Definitions
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Applications; permits
11.08.05	Bond
11.08.06	Street openings
11.08.07	Cross Connection - back flow
11.08.08	Penalties
11.08.09	Amendments
11.08.10	Adoption of Plumbing Code

11.08.01 Definitions Plumbing for the purposes of this ordinance is hereby defined as the definitions of Act 200 of 1951 of Arkansas and the Arkansas State Plumbing Code. (Ord. No. 121, Sec. 1.)

11.08.02 State Code The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference, three certified copies of which shall be on file in the office of the City Clerk, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city of Mayflower, Arkansas, wherever water and/or sewage service originating from the Municipal Water and/or Sewer System is furnished. (Ord. No. 121, Sec. 2.)

11.08.03 Inspection and supervision

- A. There is hereby created the position of plumbing inspector or inspectors who shall be employed by the city of Mayflower, Arkansas.
- B. The plumbing inspector or inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- C. The plumbing inspector or inspectors shall not be directly connected in anyway with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers.
- D. The inspector shall receive as full compensation for his services, a salary designated by the city of Mayflower, 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 outside of the corporate limits of the city of Mayflower, Arkansas, when such buildings are connected, or to be connected to the Municipal Water and/or Sewage system.
- F. The plumbing inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- G. It shall be the duty of the plumbing inspector to inspect and test all plumbing work for, compliance with this ordinance and its adopted plumbing code, and to enforce changing of such installations that does not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law. (Ord. No. 121, Sec. 3.)

11.08.04 Applications: permits

- A. Before beginning any work in the city of Mayflower, Arkansas, the person installing or altering same, shall apply to the plumbing inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a home owner to install or alter plumbing in a single-family residence, providing the home owner does the work himself and that such work shall meet the code requirements.

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

Plumbing rough-in inspections	\$3.50
Each plumbing fixture and/or water and/or waste discharging devices	\$1.00
New or reconstructed sewer connection	
Each septic tank system	
Hot water heater, new or replaced	\$2.00
Water service or connection	
For final certificate of inspector	\$3.50

An additional fee of \$2.50 shall be charged for each additional trip on the part of the plumbing inspector caused by the negligence of the plumber of not being ready for inspection or a return for inspection of a corrected installation. (Ord. No. 121, Sec. 4.)

11.08.05 Bond Every master plumber doing business in the city of Mayflower, shall execute and deliver to the city a bond with a surety bonding company in the sum of \$1,000 to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 121, Sec. 5.)

11.08.06 Street openings

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

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

- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be

maintained around the openings at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

(Ord. No. 121, Sec. 6.)

11.08.07 Cross connections - back flow

- A. The City Water Department of the city of Mayflower, Arkansas, and the city plumbing inspector of the city of Mayflower, 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 City Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.
- B. The City Water Department of the city of Mayflower, Arkansas, and the city plumbing inspector of the city of Mayflower, Arkansas, are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards it shall be the duty of said department and said inspector to immediately cause notice to 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, and the regulations of the Arkansas State Board of Health have been complied with. (Ord. No. 121, Sec. 7.)

11.08.08 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 persecution. Each day during which violation continues shall be a separate offense. (Ord. No. 121, Sec. 8.)

11.08.09 Amendments The Arkansas Plumbing Code 2006 Edition section 606.1 of the code address the requirements and locations of full-open, shut-off and isolation valves and states the following:

1. On the building water service pipe from the public water supply near the curb.
2. On the water distribution supply pipe at the entrance into the structure.
3. **On the discharge side of every water meter.**
4. On the base of every water riser pipe in occupancies other than multiple-family

residential occupancies that are two stories or less in height and in one-and two-residential occupancies.

- 5. On the top of every water down-feed pipe in occupancies other than one- and two-family residential occupancies.
- 6. **On the entrance of every water supply pipe to a dwelling unit, except where supplying a single fixture equipped with individual stops.**
- 7. On the water supply pipe to a gravity or pressurized water tank.
- 8. On the water supply pipe to every water heater.

(Ord. No. 2017-04, Sec. 1)

As part of the Arkansas Plumbing Code, it is believed the wording in the code is ambiguous and was never intended to require redundant valves unless there was a special circumstance such as the water meter being located within a building structure. **Therefore, under the authority of chapter one of the code, it is the Committee's interpretation of section 601.1 that two (2) shut-off valves is unnecessary.** (Ord. No. 2017-04, Sec. 2)

From the date on which this ordinance shall take effect, that all new and existing customer that is being furnished potable water by the City of Mayflower, Arkansas is required to have two (2) shut-off valves - a shut-off valve installed on the discharge side of every water meter and a shut-off valve installed on the entrance to every water supply pipe to a dwelling unit, except where supplying a single fixture equipped with individual stops. (Ord. No. 2017-04, Sec. 3)

11.08.10 Adoption of Plumbing Code:

Effective immediately upon the passage of this ordinance, all building codes listed below shall be adopted by the City of Mayflower, with full force and effect to all residential and commercial building permits issued after the date of passage of this ordinance:

2018 Arkansas Plumbing Code
(Ord. No. 2023-04, Sec. I)

CHAPTER 11.12

ELECTRICAL CODE

Sections:

- 11.12.01 Adoption of Electrical Code
- 11.12.02 Appointment of the Code Enforcement Officer
- 11.12.03 Duties
- 11.12.04 Permits
- 11.12.05 Inspection

11.12.06	Standards
11.12.07	Licensing of electricians
11.12.08	Bond required
11.12.09	Qualification
11.12.10	Failure to comply
11.12.11	License to individual

11.12.01 Adoption of Electrical Code. There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer of the city of Mayflower, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment of the Code Enforcement Officer The Code Enforcement Officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the City Council.

11.12.03 Duties. He shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed and guarded so as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code. Whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture or improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Permits. No installation, alteration or removal shall be made in or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations be made thereto without a written permit therefor being first obtained from the city license issuing clerk by the person, firm or corporation having direct charge of such installation, alteration or removal.

11.12.05 Inspection. Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the

person, firm or corporation having direct charge of such to notify the Code Enforcement Officer who shall, as early as possible, inspect such wiring, installation, appliance and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the regulations of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motor, heat devices and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards. All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed; however, the necessity, good service and said results often require larger sizes of wire, more branch circuits and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Code Enforcement Officer supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction and for granting the special permission contemplated in a number of the rules and he, where necessary shall follow the code procedure for securing official interpretations of the code.

11.12.07 Licensing of electricians. Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall, before doing so, obtain a license therefor, the fee for which shall be Twenty-Five Dollars (\$25.00) per year which shall be paid into the city treasury before such license shall become effective.

11.12.08 Bond required. Every person, firm or corporation doing electrical business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such person, firm or corporation doing the electrical work to comply strictly with the provisions of this chapter.

11.12.09 Qualification. No license shall be issued until the party applying for same has given satisfactory evidence to the city of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.10 Failure to comply. Any person, firm or corporation who shall fail to correct any defect or defects in his or their work or to meet the required standards after having been given notice of the unfit condition by the city within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of

license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the city shall request, after due notice, that Entergy cut electric current in the locality concerned.

11.12.11 License to individual. Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- | | |
|----------|---|
| 11.16.01 | Adoption of fire prevention code |
| 11.16.02 | Enforcement |
| 11.16.03 | Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquified petroleum gases and storage of explosives and blasting agents is to be restricted |
| 11.16.04 | Modifications |
| 11.16.05 | Appeals |
| 11.16.06 | Penalties |
| 11.16.07 | Application to Building Permits Issued After Effective Date of Ordinance |
| 11.16.08 | Automatic Adoption of Amended or Revised Building Codes |

11.16.01 Adoption of fire prevention code. There is hereby adopted by the city of Mayflower, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, of which code not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality.

Effective immediately upon the passage of this ordinance, all building codes listed below shall be adopted by the City of Mayflower, with full force and effect to all residential and building permits issued after the date of passage of this ordinance:

Arkansas Fire Prevention Code Rules, 2021 Edition
(Ord.No.2023-02, Sec. 1)

11.16.02 Enforcement. The code hereby adopted shall be forced by the Chief of the Fire Department of the municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquified petroleum gases and storage of explosives and blasting agents is to be restricted. The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquified petroleum gas is restricted, and the limits referred to in Section 53 B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District;
- B. Within fifteen hundred (1500) feet of any building structure in any built up area within the corporate limits of the municipality.

With the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquified petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 11.16.04.

11.16.04 Modifications. The Chief of the Mayflower Fire Department shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.05 Appeals. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.06 Penalties. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction,

within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

11.16.07 Application to Building Permits Issued After Effective Date of Ordinance:

This ordinance shall adopt the current codes adopted by the State of Arkansas as listed above. This ordinance shall apply to all residential, commercial, agricultural, and public building permits approved after the effective date of the ordinance for all construction, remodel, or change-out projects within the jurisdictional authority of the City of Mayflower. Any pending or uncompleted projects for which building permits have been issued prior to the date of this ordinance, or projects for which final occupancy has not been approved, shall be evaluated based on existing building codes adopted by the City of Mayflower at the time of the application for building permit. (Ord. No. 2023-02, Sec. 2)

11.16.08 Automatic Adoption of Amended or Revised Building Codes: It is the intent of the City Council to automatically adopt any subsequent amendments, revisions, or updated versions of each and every building code described in Section 1, immediately upon adoption by the State of Arkansas of such updated policies. In the event that the City should desire to not approve certain amendments or changes to state building codes, the City Council shall specify and describe such exemptions by future ordinance. (Ord. No. 2023-02, Sec. 3)

CHAPTER 11.20

CONDEMNED STRUCTURES

Sections:

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| 11.20.01 | Council may order |
| 11.20.02 | Notice |
| 11.20.03 | Procedure for removal |

11.20.01 Council may order Whenever any house or building situated in the city of Mayflower, Arkansas, shall be come, in the opinion of the City Council of such city, dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public health, safety or welfare, said Council may, by resolution, order the removal or razing of any such house or building by the owner within thirty (30) days after serving notice upon the owner in the manner provided in Section 2.) (Ord. No. 124-A, Sec. I.)

11.20.02 Notice When the said Council shall have ordered the removal of any house or building as provided in Section 1, the Clerk/Treasurer shall issue and the chief of police of the city of Mayflower, or his authorized representative, shall serve a certified copy of such order or resolution upon the owner of such house or building if the owner is a resident of the city of Mayflower. If such owner is not a resident of the city of Mayflower, he shall be served with notice by registered or certified United States mail, with return receipt requested, addressed to the owner of such house or building at his or its last known address. If the owner of such house or building shall fail, refuse or neglect to remove or raze such house or building within thirty (30) days after service upon him or its of such order or resolution, then the Mayor of the city of Mayflower is hereby authorized, empowered and directed to at once proceed to remove or raze, or to cause the removal or razing of such house or building in accordance with the provisions of the resolution adopted by the City Council for such purpose. (Ord. No. 124-A, Sec. 2.)

11.20.03 Procedure for removal If, after notice has been given to the owner of any such house or building for the time and in the manner set forth hereinabove, said owner shall have failed, refused or neglected to remove or raze any such building, then the Mayor of the city of Mayflower, shall, after the expiration of the time hereinabove set forth for notice, proceed at once to remove and raze the same and shall prepare an itemized statement of the cost of removing or razing any such building and shall notify said owner by delivering to him or it a copy of said statement in the manner hereinabove provided for service of notice upon such owner. If such owner shall fail, refuse or neglect to pay such cost of removing or razing such building or house for a period of ten (10) days from and after the date of service of such statement, then the Mayor is hereby authorized, empowered and directed to proceed at once to sell, at public or private sale, any debris or material obtained from the removal or razing of such building, or so much thereof as shall be necessary to pay the cost of the removal or razing, and

shall pay the overplus, if any, to the owner of such building or house. Should the proceeds from the sale of such debris or materials be insufficient to pay the cost of such removal or razing the city of Mayflower, shall have a lien upon the lands upon which the house or building was situated for the cost of removing or razing the house or building which has not been otherwise paid, and shall forthwith proceed by and through its proper officials to foreclose such lien and recover the costs so remaining unpaid. (Ord. No. 124-A., Sec. 3.)

CHAPTER 11.21

NUISANCE ABATEMENT

Sections:

11.21.01	Definitions
11.21.02	Summary abatement
11.21.03	Abatement in other cases; notice, etc.
11.21.04	Abatement by owner
11.21.05	Appeal procedures; hearing
11.21.06	Abatement by city
11.21.07	Notice of assessment; appeal of charges
11.21.08	Personal liability of owner
11.21.09	cost of abatement; low income, elderly persons
11.21.10	Overhead charge; civil penalties
11.21.11	Severability

11.21.01 Definitions

Abatement means the removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.

Owner means the owner of record based on the Faulkner County Assessor's record or any person with legal, financial or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.

Property means any real property, premises, structure or location on which a public nuisance is alleged to exist.

Public nuisance means any fence, wall, shed, deck, house, garage, building, structure or any part of aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement,

cellar, sidewalk subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which in its entirety, or any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:

- A. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
- B. By reason of being a fire hazard.
- C. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
- D. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exist.

Summary abatement means abatement of the nuisance by the city, or a contractor employed by the city, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property except for the notice required by this ordinance. (Ord. No. 2005-4, Sec. 1.)

11.21.02 Summary abatement

- A. Whenever a complaint is made to the Police Department/Code Enforcement Officer of a public nuisance as defined in 11.21.01, the Police Department/Code Enforcement Officer shall promptly cause to be inspected the property on which it is alleged that the public nuisance exists. Should the Police Department/Code Enforcement Officer find that a public nuisance exists, and that the public health, safety or welfare may be in immediate danger, then summary abatement procedures shall be implemented and the Police Department/Code Enforcement Officer may cause the nuisance to be removed or abated. The Police Department/Code Enforcement Officer may notify the Building Inspector if the public nuisance involves a building that appears structurally unsafe. The Building Inspector, upon being notified by the Police Department/Code Enforcement Officer shall cause the building on which it is alleged such public nuisance exist to be inspected and submit a written report of such inspection and the findings to the Police Department/Code Enforcement Officer.

- B. When summary abatement is authorized, notice to the owner, agent or occupant of the property is not required. Following summary abatement, the Police Department/Code Enforcement Officer shall cause to be posted on the property liable for the abatement a notice describing the action taken to abate the nuisance. (Ord. No. 2005-4, Sec. 2.)

11.21.03 Abatement in other cases: notice, etc.

- A. If, after inspecting the property on which the nuisance is reported, the Police Department/Code Enforcement Officer declares the existence of a public nuisance, but the nature thereof is not such as to require the summary abatement of such nuisance, the, regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the Police Department/Code Enforcement Officer.
- B. The Police Department/Code Enforcement Officer shall determine the individual, firm or corporation who, from the records in the Faulkner County Recorder's office, appears to be the titled owner of the aforesaid property and immediately cause a written notice to be served on such individual, firm or corporation by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner shown in the Faulkner County Recorder's records, or by copy mailed to such owner at such place or address by United States certified mail return receipt. If service of such written notice is unable to be perfected by any of the methods described above, the Police Department/Code Enforcement Officer shall cause a copy of the aforesaid notice to published in a newspaper of general circulation in the city, once a week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the Police Department/Code Enforcement Officer shall cause a copy of the notice to be posted at such structure, location or premises. The Police Department/Code Enforcement Officer shall also determine from the Faulkner County Recorder's office who the lienholder of the property, if any, as documented therein, is and cause a written notice to be served on such lienholder by United States mail return receipt.
- C. The aforesaid notice to the owner, and lien holder, if any, of the property shall state clearly and concisely the findings of the Police Department/Code Enforcement Officer with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the order contained in the Police Department/Code Enforcement Officer's notice, the public nuisance shall be abated by the city at the expense of the owner.

- D. Any person who is the record owner of the premises, location or structure at the time an order pursuant to this ordinance is issued and served upon him, shall be responsible for complying with that order, and liable for any costs incurred by the city therewith, notwithstanding the fact that he conveys his interests in the property to another after such order was issued and served.
- E. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed. (Ord. No. 2005-4, Sec. 3.)

11.21.04 Abatement by owner

- A. Within thirty (30) days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the Police Department/Code Enforcement Officer.
- B. The Police Department/Code Enforcement Officer, upon written application by the owner within the thirty (30) day period after the notice has been served, may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.
(Ord. No. 2005-4, Sec. 4.)

11.21.05 Appeal procedures: hearing

- A. The owner or occupant of the property who has been served with a notice pursuant to this ordinance that a public nuisance exists and that it must be abated within thirty (30) days, may, within seven (7) calendar days after receipt of such a notice, make a written demand to the Police Department/Code Enforcement Officer for a hearing on the question of whether a public nuisance in fact exists. The hearing shall be held within seven (7) calendar days following receipt by the Police Department/Code Enforcement Officer of the written demand and at least two (2) days' notice of the hearing shall be given to the individual who made the written demand for the hearing.
- B. The hearing shall be conducted by the Nuisance Appeals Board. Such Appeals Board may amend or modify the notice and/or order, or extend the time for compliance with the Police Department/Code Enforcement Officer's order by the owner by such date as the majority of the Appeals Board may determine.
- C. The owner, agent of the owner, occupant and lienholder, if any, of the subject property shall be given the opportunity to present evidence to the Appeals board in the course of the hearing.

- D. In those instances where the nuisance has been abated by the city, the Appeals Board shall have discretion to waive the cost of abating a nuisance, in whole or in part, if, in the course of the hearing reviewing the decision, the Appeals Board finds that any of the following did not conform to the provisions of this ordinance:
1. The notice to remove the nuisance;
 2. The work performed in abating the nuisance; or
 3. The computation of charges.
(Ord. No. 2005-4, Sec. 5.)

11.21.06 Abatement by city

- A. Should any public nuisance not be abated at the expiration of time stated in the notice/order or within such additional time as the Department of Public Health and Safety or (Board) may grant, the Police Department/Code Enforcement Officer shall have the authority to enter upon the property and abate the public nuisance found thereon. In abating such nuisance, the Police Department/Code Enforcement Officer may go to whatever extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage any material derived in the aforesaid abatement, the Police Department/Code Enforcement Officer may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.
- B. The proceeds, if any, obtained from the sale of material salvaged as a result of an abatement of a public nuisance by the Police Department/Code Enforcement Officer shall be deposited to the General Fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property in question by the City Council and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of the abatement, the surplus, if any shall be paid to the owner of the property from which the public nuisance was abated when a proper claim to the excess is established.
- C. In abating a public nuisance, the Police Department/Code Enforcement Officer may call upon any of the city departments or divisions for whatever assistance shall be deemed necessary or may be private contract cause the abatement of the public nuisance.
- D. The Police Department/Code Enforcement Officer shall, after completing the removal and abatement, file a statement of costs with the City Auditor.
(Ord. No. 2005-41, Sec. 6.)

11.21.07 Notice of assessment: appeal of charges

- A. Upon receipt of the statement of costs from the Police Department/Code Enforcement Officer, the Auditor shall mail to the owner of the property upon which the public nuisance has been abated notice of the amounts set forth in the statement plus an additional amount sufficient to defray the costs of the notice and stating that the city proposes to assess against the property the amount set forth in the notice and that objections to the proposed assessment must be made in writing and received by the Auditor within twenty (20) days from the date of mailing such notice. Upon the expiration of the twenty (20) day period, if no objections have been received by the Auditor, the Auditor shall enter that amount in the city liens docket which shall therefore constitute a lien against the property.
- B. If objections of either the property owner or their representatives are received by the Auditor prior to the expiration of the twenty (20) day period the Auditor shall refer the matter to the Police Department/Code Enforcement Officer for administrative review.
- C. Upon conclusion of administrative review, the Police Department/Code Enforcement Officer shall make a written determination that the amount of the charges shall be canceled, reduced, or remain the same. A copy of this determination shall be furnished to the person making the objections together with a notice of such person's right to appeal to the Nuisance Appeals Board.
- D. If no appeal of a determination by the Police Department/Code Enforcement Officer is filed within the time period allowed, a copy of the determination will be furnished to the Auditor who shall then enter a lien in the amount determined by the Police Department/Code Enforcement Officer in the city liens docket as provided in subsection (A).
- E. If a timely appeal is received by the Appeals Board, a hearing shall be scheduled and held on the matter. If, after the hearing, the Appeals Board determines that the proposed assessment does not comply with subsection (G) herein, the Appeals board shall so certify to the Auditor and the proposed assessment shall be canceled. If, after the hearing, it is determined that the proposed assessment or any part of it is proper and authorized, the Appeals Board shall so certify to the Auditor who shall enter a lien in such amount as determined appropriate by the Appeals Board, in the lien docket as provided in subsection (A).
- F. The determination of the Appeals Board is a final administrative decision and is not appealable to the City Council.

- G.
- I. The Police Department/Code Enforcement Officer, in administrative review, or the Appeals Board, on appeal, may reduce or cancel a proposed assessment if it is determined that:
 - a. Any of the following did not conform to the provisions of this ordinance:
 - (1) The notice to remove the nuisance; or
 - (2) The work performed in abating the nuisance; or
 - (3) The computation of charges; or
 - b. The owner of the property was eligible for a waiver of costs under 11.21.09.
 2. The Police Department/Code Enforcement Officer, in administrative review, or the Appeals Board, on appeal, may reduce a proposed assessment by eliminating the civil penalty portion of the invoice if it is determined that:
 - a. The current owner was not in possession of the property at the time the notice required in 11.21.03 was posted; or
 - b. The owner did not receive the notice to remove the nuisance, did not have knowledge of the nuisance and could not, with the exercise of reasonable diligence, have had such knowledge.
- H. If, after a lien has been entered in the docket of city liens, there is a written request of an owner who alleges that the owner did not receive notice of the proposed assessment, the Auditor shall refer the matter for review pursuant to subsection (B).
- I. The lien may be canceled or reduced by the review, or the Police Department/Code Enforcement Officer, in administrative review, or the Appeals Board, on appeal, if it is determined that the owner did not receive notice of the proposed assessment, did not previously have knowledge of the lien or of the nuisance abatement work constituting the basis of the lien, could not, in the exercise of reasonable care of diligence, have had such knowledge, and in addition that the circumstances are such that a reduction or cancellation of the charges would have been appropriate had the matter been reviewed pursuant to this section prior to assessment. Upon receipt of a certification from the Appeals Board, pursuant to subsection (E), the Auditor shall cancel or reduce the lien if required by the determination of the Police Department/Code Enforcement Officer and/or Appeals Board. (Ord. No. 2005-4, Sec. 7.)

11.21.08 Personal liability of owner The person who is the owner of the property at the time at which the notice required under 11.21.03 of this ordinance is posted shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges. (Ord. No. 2005-4, Sec. 8.)

11.21.09 Cost of abatement: low income, elderly persons

- A. Notwithstanding the other provisions of this ordinance, the cost of abating a nuisance shall be waived for low income and elderly persons, if upon application it appears to the Police Department/Code Enforcement Officer that the conditions set forth in subsection (B) are met.
- B. To be eligible for waiver of nuisance abatement costs a person must be classified as low income, as defined by the Police Department/Code Enforcement Officer, or
- C. Be more than 65 years of age and:
 - 1. A person living alone, whose total income for the preceding calendar year that did not exceed two and one-quarter ($2\frac{1}{4}$) times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld.
 - 2. The head of a household which household received a total income for the preceding calendar year that did not exceed two and one-quarter ($2\frac{1}{4}$) times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld.
- D. Additionally, all persons wishing to qualify for waiver of nuisance abatement costs must:
 - 1. Furnish proof of the age and/or income requirements as set forth above in the manner and form designated by the Police Department/Code Enforcement Officer;
 - 2. Must own, or be in the process of purchasing the property from which the nuisance is abated; and
 - 3. Be living on the property from which the nuisance is abated.
- E. The removal of the nuisance in question must have been required by the Police Department/Code Enforcement Officer and the person requesting waiver of costs must have been officially notified by the Police Department/Code Enforcement Officer to remove the nuisance.

- F. Applications for waiver of nuisance abatement costs shall be filed with the Police Department/Code Enforcement Officer, on forms supplied by the city, within ten (10) days after receipt of a notice to remove a nuisance or a work order notice unless the Police Department/Code Enforcement Officer extends the time for good cause shown. All information required to be given on such form shall be supplied and verified by the applicant.
- G. The maximum amount that may be waived under this section for any one parcel of real property or any one person shall be Five Hundred Dollars (\$500.00) per calendar year.
- H. No overhead charge of civil penalty shall be imposed for any real property for which a waiver pursuant to this section shall have been approved.
(Ord. No. 2005-4, Sec. 9.)

11.21.10 Overhead charge; civil penalties

- A. Whenever a nuisance is abated by the city, the Police Department/Code Enforcement Officer shall keep an accurate account of all expenses incurred including an overhead charge of twenty-five percent (25%) for administration and civil penalty of Two Hundred Dollars (\$200.00) for each nuisance abated.
- B. When the city has abated a nuisance maintained by any owner of real property, for each subsequent nuisance that is abated by the city within two (2) consecutive calendar years concerning real property, owned by the same person, an additional civil penalty of fifty percent (50%), minimum of Fifty Dollars (\$50.00), of the cost of abatement shall be added to the costs, charges and civil penalties provided for in subsection (A). The civil penalty shall be imposed without regard to whether the nuisances abated by the city involve the same real property or are of the same character. (Ord. No. 2005-4, Sec. 10.)

CHAPTER 11.24**BUILDING CODE****Sections:**

11.24.01	Adoption of Building Code
11.24.02	Establishment of office of Building Official
11.24.03	Qualifications of Building Official
11.24.04	Duties of Building Official
11.24.05	Liability
11.24.06	Right of entry
11.24.07	Definitions
11.24.08	Fire limits established
11.24.09	Saving clause
11.24.10	Validity
11.24.11	Building line
11.24.12	Hazardous conditions
11.24.13	Fine
11.24.14	Walls and Framing
11.24.15	Duct work products
11.24.16	Automatic Adoption of Amended or Revised Building Codes

11.24.01

Adoption of Building Code There is hereby adopted by the City Council of Mayflower, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain Building Code be known as the National Builder's Code recommended by the American Insurance Association, being particularly the 1967 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 have been and now are filed in the office of the Clerk or Recorder of the city of Mayflower, Arkansas and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Mayflower, Arkansas. (Ord. No. 57, Sec. 1.)

11.24.02 Establishment of office of Building Official

- A. The office of Building Official is hereby established and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be appointed by the Mayor of Mayflower. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause and after full opportunity has been given to him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official the Mayor shall Building Official. (Ord. No. 57, Sec. 2.)

11.24.03 Qualifications of Building Official He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alterations, removal, and demolition. (Ord. No. 57, Sec. 3.)

11.24.04 Duties of Building Official

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the building official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation Of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible office of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, or certificates issued, of inspections made, of reports rendered, and of notices or orders issued.
- D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building

official without his written consent.

- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated. (Ord. No. 57, Sec. 4.)

11.24.05 Liability Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not hereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the Mayflower City Attorney or a legal representative of the city. (Ord. No. 57, Sec. 5.)

11.24.06 Right of entry The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Ord. No. 57, Sec. 6.)

11.24.07 Definitions

- A. Wherever the word "Municipality" is used in the Building Code, it shall be held to mean the city of Mayflower, Arkansas.
- B. Wherever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the Attorney for the city of Mayflower, Arkansas. (Ord. No. 57, Sec. 7.)

11.24.08 Fire limits established the fire limits of the city of Mayflower, Arkansas, are hereby established as follows:

The fire limits of the city of Mayflower, Arkansas, extend beyond the city limits.
(Ord. No. 57, Sec. 8.)

11.24.09 Saving clause Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred not any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 57, Sec. 9.)

11.24.10 Validity The invalidity of any section or provision of this ordinance or of the Building Code hereby adopted shall not invalidate other sections or provisions thereof. (Ord. No. 57, Sec. 10.)

11.24.11 Building line the building line for all buildings and structures shall be established at 25 feet from all city street right-of-ways. The building line from property lines

shall be established at seven and one-half feet (7 ½). The distance between buildings shall be ten (10) feet. (Ord. No. 88-4, Sec. 1.)

11.24.12 Hazardous conditions No buildings, structures, fences, signs, trees, shrubs or hedges shall be placed that creates a hazardous condition for people traveling on city streets or highways within the city limits. (Ord. No. 88-4, Sec. 2.)

11.24.13 Fine Violation of this ordinance shall constitute a public nuisance, and the owner or resident shall, upon conviction, be fined in a sum not less than Five Dollars (\$5.00) and not to exceed Fifteen Dollars (\$15.00) per day for such continued violation thereof. (Ord. No. 88-4, Sec. 3.)

CHAPTER 11.28

MECHANICAL CODE

Sections:

11.28.01	Adoption of Code
11.28.02	Amendments
11.28.03	Effective date
11.28.04	Penalty

11.28.01 Adopti0n of Code There is hereby adopted by the city of Mayflower, the State of Arkansas Mechanical Code as recommended by the Southern Building Code Congress, being particularly the 1991 Edition thereof or most recent edition, 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 thereto so as to safeguard life, health and the public welfare.

For the 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. (Ord. No. 96-7, Sec. 1.)

11.28.02 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 feet (6') in length.
- C. Mechanically approved fittings are required for all turns.
- D. Mechanically approved fittings are required for take-off.
- E. Fiber duct shall not be allowed.
- F. The following fee schedule shall be substituted for the "Schedule of Permit Fees" found at Appendix B of the Mechanical Code.

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11.24.14 Walls and Framing Walls and framing constructed with 2"x4" studs shall be constructed with no more than a maximum width of sixteen (16) inches between the center of studs. For roof framing work, contractors using 2"x4" for roof framing work shall allow no more than sixteen (16) inches between trusses. When 2"x6" or 2"x8" or larger lumber is used for framing for roofing, builders may construct with trusses up to twenty-four (24) inches between the center of trusses. (Ord. No. 2023-05, Sec. 1)

11.24.15 Duct work products No "flex duct" or similar flexible duct work products shall be allowed for heating and cooling duct work. Materials used in heating and cooling duct work shall be of a rigid aluminum material. (Ord. No. 2023-05, Sec. 2)

11.24.16 Automatic Adoption of Amended or Revised Building Codes: It is the intent of the City Council to automatically adopt any subsequent amendments, revisions, or updated versions of each and every building code described in Section 1, immediately upon adoption by the State of Arkansas of such updated policies. In the event that the City should desire to not approve certain amendments or changes to state building codes, the City Council shall specify and describe such exemptions by future ordinance. (Ord. No. 2023-04, Sec. 3)

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MECHANICAL CODE

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- F. 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	\$30.00
For each additional unit	\$10.00

Commercial Inspections:

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

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

Inspection of Alterations:

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

Reinspections:

In case it becomes necessary to make a reinspection of a heating, ventilation, air-conditioning or refrigeration system, the installer of such equipment shall pay a reinspection fee of \$20.00. (Ord. No. 96-7, Sec. 2.)

11.28.03 Effective date 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 Mayflower, Arkansas, except as regulated by other ordinances of the Mayflower Municipal Code. (Ord. No. 96-7, Sec. 3.)

11.28.04 Penalty Arkansas state law (A.C.A. 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. Violation of any of the provisions of the Mechanical Code 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. 96-7, Sec. 4.)