

ORDINANCE NO. 03-18

AN ORDINANCE TO AMEND ORDINANCE NO 9 WITH AN ORDINANCE REQUIRING BUILDING PERMITS FOR ALL BUILDINGS OR STRUCTURES CONSTRUCTED WITHIN THE INCORPORATED TOWN OF BERGMAN, ARKANSAS, PROVIDING A VARIANCE PROCEDURE, ESTABLISHING PENALTIES, DECLARING AN EMERGENCY AND OTHER PURPOSES.

WHEREAS, the Bergman Town Council is in the process of updating the Building Code for the Town of Bergman; and

WHEREAS, existing Ordinance No. 9 is the Ordinance governing Building Permit Applications, and needs to be updated and supplemented to reflect the modern requirements of a Building Permit Ordinance; and

THEREFORE, Ordinance No. 9 is hereby amended as follows:

Section 1. General Provisions

The following general provisions shall apply to the construction of any building, whether residential, commercial, recreational, ancillary or any other unclassified structure.

(A) Permits.

- (1) Fees Paid. A permit shall not be issued until the fees prescribed have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems has been paid.

(B) Responsibilities of Permit Applicant.

- (1) Notice to Town. It shall be the duty of the permit applicant or his authorized representative to give notice to the town council or mayor when an installation is ready for an inspection.
- (2) Installation Ready for Inspection. It shall be the duty of the permit applicant to make sure that the installation is ready for inspection before the inspection is requested.
- (3) Provide Ready Access. It shall be the duty of the permit applicant to provide ready access to the premises where the requested inspection is to be made.

- (C) Uncovering Work. Any installation or part thereof which is installed, altered, or repaired and covered before being inspected shall be uncovered for inspection.
- (D) Occupancy Permit.
 - (1) Required. In addition to the building permit fee and building permit application fee, buildings and parts of buildings shall not be occupied before an occupancy permit is executed and issued by the Mayor or Town Council.
 - (2) Copy upon Request. The owner of a single-family and multi-family residential dwelling will receive a copy of the occupancy permit if requested.

Section 2. Construction Without Building Permit Unlawful.

It shall be unlawful for any person to construct or to place any building or structure of any type or to allow the construction or placement of any building or structure of any type on land owned by said person within the corporate limits of Bergman, Arkansas without first applying for and obtaining a building permit. If any person constructs or allows construction or placement of any building or structure of any type on or within the corporate limits of Bergman, Arkansas, prior to the issuance of a building permit, the person, owner or agent will be subject to penalties outlined below.

The owner of any land situated within the incorporated limits of the Town of Bergman shall neither remodel nor repair any building or structure, on such land, without first having obtained a building permit from the Town of Bergman for such remodel or repair. The terms remodel and repair, as used herein, shall be defined as any remodel or repair for which the total cost exceeds \$1,000.00. If any person remodels or repairs any building or structure of any type on or within the corporate limits of Bergman, Arkansas, prior to the issuance of a building permit, the person, owner or agent will be subject to penalties outlined below.

Section 3. Application for Building Permit.

- (1) The Application for Building Permit must contain, as a minimum, the following:
 - (a) Name, mailing address, and telephone number of the applicant;
 - (b) Type building to be constructed;
 - (c) Location of the building site;
 - (d) Outside dimensions of the proposed building or addition;
 - (e) Construction materials to be used for the foundation, floor and exterior walls;
 - (f) Manner in which the proposed building will be anchored to the foundation;

- (g) Height of the first-floor level above the ground level, as measured from the highest point of the ground level, both prior to any grading or leveling and after grading and leveling;
- (h) Date on which construction is proposed to begin;
- (i) Signed acknowledgement that the applicant will comply with all building and fire codes, all regulations, all ordinances, and all statutes of the Town of Bergman, of the State of Arkansas, and of the United States of America.

(2) Upon receipt of any application for the issuance of a building permit, the Mayor shall have fourteen (14) days to review the application to determine if the application is complete and to formulate a recommendation to the Town Council. If the Mayor finds that the application is complete and that the proper fees have been paid, the Mayor shall present the application to the Town Council for its approval or other disposition at its next regularly scheduled meeting. The Town Council may deny any permit application if the proposed construction is not in compliance with this ordinance, any other existing ordinance, any state law or regulation or any federal law.

(3) A blank building permit application shall be available at the Town of Bergman City Hall.

Section 4. Building permit expiration;

Building permits shall be valid for sixty (60) days from the date of its issue. In that time, construction of the building must be started, and construction must continue, without any abandonment until the building is properly constructed, inspected, approved for compliance with all regulations in the article, and issued an occupancy permit. As used in this paragraph, an abandonment shall be defined as the cessation of construction activities for more than thirty (30) consecutive days.

Section 5. Occupancy Permit;

The owner must apply for and receive an occupancy permit prior to the use or occupancy of the building or structure by any person, group, business, corporation, or any other legal entity.

An occupancy permit shall be granted if the building or structure matches the descriptions contained in the building permit application and is constructed in compliance with all building and fire codes, all regulations, all ordinances, and all statutes of the Town of Bergman, of the State of Arkansas, and of the United States of America.

Section 6. Application fees for building permit.

(A) The application shall be submitted along with a \$25.00 application and inspection fee.

(B) Each application for a building permit must also be submitted along with a building permit fee of twenty-three (23) cents per square foot for the total square footage of the proposed building or structure.

(C) The building permit application and inspection fee shall not be refunded for any reason, including in the event of any building permit application denial.

(D) The building permit fee shall be refunded if the building permit application is denied for any reason. In the event a building permit is initially granted and then terminated by reason of abandonment, the building permit fee shall not be refunded.

(E) In the event any owner intends to modify the plans after the original building permit has been granted, said owner shall submit an additional building permit application outlining the proposed modifications and submitting an additional fee for any proposed increase in square footage.

Section 7. Inspection and Occupancy Permit.

(1) Any construction, which has been permitted and placed within the corporate limits shall be inspected prior to occupancy for compliance with this ordinance and other pertinent laws and ordinances. No such construction may be occupied until a occupancy permit has been issued by the Mayor.

(2) Any person requesting that the Mayor issue an occupancy permit shall deliver a written request for the issuance of an occupancy permit to the Town of Bergman city hall, informing the Mayor that the construction is complete.

(3) After receiving a written request for the issuance of an occupancy permit, the Mayor shall inspect the construction for compliance with this ordinance and other pertinent laws and ordinances, and shall issue the permit or refuse to issue the permit, citing the reasons therefore.

(4) In the event the Mayor does not issue an occupancy permit due to violations of this ordinance or other laws or ordinances, the applicant shall have the right to appeal the decision to the Town Council, or correct the violations and re-apply for an occupancy permit.

Section 8. Maintenance.

Any construction or building placed within the town shall be maintained with all exterior surfaces including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, roofs, gutters and fences shall be maintained in good condition. Exterior surfaces shall be protected from the elements and decay by painting or other protective covering or treatment.

Section 9. Variance.

Should any resident of the Town of Bergman, Arkansas, wish to apply for a variance from these requirements a Petition shall be filled with the Town Recorder indicating the property owners request and a hearing shall be held before the Town Council who shall determine whether to grant the variance or not.

Section 10. Notice and Enforcement.

(1) The Mayor of the Incorporated Town of Bergman, Arkansas, upon discovery of a violation of this Ordinance shall notify said offender by certified mail stating that the offender shall have fifteen (15) days from receipt of said letter to comply with this Ordinance or to remove the construction or structure from within the corporate limits of the Town of Bergman, Arkansas. In the event that the Mayor is unable to execute the letter then any member of the Town Council may notify offenders as specified herein.

Section 11. Penalty

(1) In addition to any of the remedies provided herein, the Town may enjoin any property owner who is in violation of any of these requirements to prevent or correct such violations, and any individual aggrieved by violation of these requirements may seek an injunction against any property owner in violation of the requirements.

(2) Any person, firm, or corporation violating any of the provisions of these requirements or amendments thereto, shall be guilty of a misdemeanor and be fined in any amount, not to exceed One Hundred (\$100.00) Dollars, and each day's violation shall be considered a separate offense.

Section 12. Appeals.

1) The Town Council shall hear all appeals to the requirements of this ordinance. The Town Council shall have the following powers and it shall be its duty:

- (A) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement of this ordinance;
- (B) To hear requests for variances or deviations from the literal provisions of this code for the construction of any building or structure on property located within the corporate limits of the Town of Bergman, Arkansas;

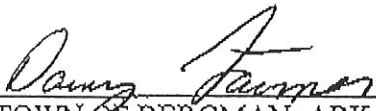
Section 13. Emergency

(1) IT HAS BEEN determined that Ordinance No. 9 is outdated and that updates to the building code and the building permit application process are necessary and vital to the health welfare and safety of the public. The adoption of this ordinance is necessary and is vital

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health, welfare and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 8 DAY OF February, 2018.


TOWN OF BERGMAN, ARKANSAS
Danny Farmer-MAYOR

ATTEST
DONIA COOK-RECORDER

