

City of Fayetteville Staff Review Form

2019-0364

Legistar File ID

7/16/2019

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

MATTHEW CABE

6/13/2019

BUILDING SAFETY (640)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Adoption of the revisions to UDC Chapter 173 – Building Regulations as presented.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



**MEETING OF JULY 16, 2019**

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Garner Stoll, Development Services Director

**FROM:** Matthew Cabe, Building Safety Director

**DATE:** June 13, 2019

**SUBJECT:** Revisions to UDC Chapter 173 – Building Regulations

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**RECOMMENDATION:**

Staff recommends adoption of the revisions to UDC Chapter 173 – Building Regulations as presented.

**BACKGROUND:**

UDC Chapter 173 – Building Regulations is now over twenty years old and in need of updating and general housekeeping.

**DISCUSSION:**

UDC Chapter 173 has had only minor modifications since adoption in 1998 (Ord. 4100), and many provisions are outdated or no longer useful in the administration of building codes and permits. The proposed revisions are an attempt to align our ordinances with current building codes where possible and to eliminate unnecessary requirements that have little impact on the quality of the built environment within the City.

**BUDGET/STAFF IMPACT:**

None anticipated

**Attachments:**

Chapter 173 – Building Regulations (Strikethrough)  
Chapter 173 – Building Regulations (Final)

## CHAPTER 173: - BUILDING REGULATIONS

### 173.01 - General Provisions

In addition to the specific provisions provided hereinafter, the following general provisions shall apply to the Building Code, Electric Code, Gas Code, Mechanical Code and the Plumbing Code.

#### (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.
- (2) *Expiration.* Every permit issued hereunder shall expire by limitation and become null and void if construction/installation authorized by permit is not commenced within six (6) months from the date of such permit, or if the construction/installation authorized by such permit is abandoned for a period of six (6) months at any time after the construction/installation is commenced. Before such installation can begin or be recommenced, a permit extension fee shall be paid or a new permit shall be secured for the unfinished portion of the installation as required by the building official.

#### (B) *Liability Insurance.*

- (1) The following shall be required to carry liability insurance.
  - (a) Every licensed master electrician applying for an electrical permit;
  - (b) Every licensed supervising gas fitter actively engaged in gas installations;
  - (c) Every licensed mechanical/HVACR licensee engaged in mechanical installations.
  - (d) Every licensed master plumber actively engaged in plumbing installations.
- (2) Liability insurance shall be carried as set out below:
  - General aggregate \$100,000.00
  - Personal and advertising \$100,000.00
  - Each occurrence \$100,000.00

Each certificate shall indicate name of insurance company issuing policy, name of insured, policy number, effective and expiration date, and signature of authorized representative of insurance company.

#### (C) *Responsibilities of Permit Applicant.*

- (1) *Notice to City.* It shall be the duty of the permit applicant or his authorized representative to give notice to the city Building Safety Division 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.

#### (D) *Exemptions.* The assembly and erection of approved equipment by the manufacturer of such equipment, except electrical, gas, mechanical, and plumbing connections to said equipment, shall be exempt from permitting and inspection provisions.

#### (E) *Uncovering Work.* Any installation or part thereof which is installed, altered, or repaired and covered before being inspected shall be uncovered for inspection as required by the Building Safety Division Director.

(F) *Certificate of Occupancy.*

- (1) *Required.* In addition to the building permit fee, buildings and parts of buildings shall not be occupied before a certificate of occupancy is executed and issued by the Building Official.
- (2) *Copy upon Request.* The owner of a single-family and multi-family residential dwelling will receive a copy of the certificate of occupancy if requested.

(3) *Temporary Certificate of Occupancy.* A temporary certificate of occupancy may be executed and issued by the Building Official to allow buildings or parts of buildings to be occupied before completion of the entire scope of work.

- (a) *Duration.* Temporary Certificates of Occupancy are valid for a maximum of thirty (30) days. Temporary certificates must be renewed at expiration until the final Certificate of Occupancy is issued.
- (b) *Request.* A written request must be submitted by the building owner or permit applicant prior to issuance of a Temporary Certificate of Occupancy.
- (c) *The Building Official shall have the discretion to issue a Temporary Certificate of Occupancy based upon the circumstances of hardship beyond the permit holder's control, the past performance of an applicant to successfully comply with the terms of TCO issuance, or an applicant's failure to maintain a previously issued TCO. In most circumstances, no new Temporary Certificate of Occupancy will be issued to a developer or builder (regardless if the builder or developer uses different corporate or LLC names) who has one or more overdue TCOs or has otherwise not complied with previous commitments, requirements or terms of a previous TCO until the entire backlog of TCOs with any problems has been remedied to the satisfaction of the Building Official.*

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

173.02 - Fire Prevention Code/Building Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Fire Prevention Code, with state adopted appendices, as may from time to time hereafter be amended and adopted by the State of Arkansas, save and except such portions of said code as may be deleted, modified, or amended herein.
- (B) *Amendments, Additions, And deletions to the Building Code.* The Building Code shall be amended as follows:
  - (1) *Construction Documents.* Plans reviewed for code compliance with permits issued shall be destroyed after construction is complete and as allowed by law after being copied for permanent record and maintained by the city. Plans retained on file for one (1) through four (4) family residential dwelling units will be destroyed when construction is complete and may not be permanently copied.
    - (a) *Plans.* Plans submitted to be reviewed for code compliance and permitting shall note the following:
      - (i) Construction type;
      - (ii) Occupancy classification(s);
      - (iii) Occupant load;
      - (iv) Design live loads;
      - (v) Design dead loads;

- (vi) Occupancy and tenant separations;
- (vii) Design snow load; and
- (viii) Design wind load.

~~(b) *Ground Snow Loads*. Ground snow loads to be used in the determination of design snow loads shall not be less than 20 pounds per square foot.~~

~~(e)~~ (b) *Plan Review*. A plan review by an independent entity may be required by a building official for plans of unusual, special, and/or hazardous use of buildings submitted for permit or review.

- (2) *Footings and Foundations*. Building, structures, and parts thereof shall be designed and constructed in accordance with strength design, load and resistance factor design, allowable stress design, empirical design, or conventional construction methods, as permitted by the applicable material chapters of the Arkansas Fire Prevention Code and this section.

(a) *Design Requirements*.

- (i) The footing bottoms shall be a minimum of 24 inches below finish grade; and
- (ii) The minimum width of a concrete footing for one story building with 1,400 or less square feet shall be 18 inches. The minimum width of a concrete footing for two (2) story buildings and buildings greater than 1,400 square feet shall be 24 inches. All footings shall be reinforced with horizontal steel rebar; and
- (iii) Minimum footing rebar size shall be two #4's in an 18 inch footing and three #4's in a 24 inch footing each tied perpendicular to the #4 rebar spaced no more than 24 inches on center, and supported 3 inches from the bottom of the footing spaced no more than 6 foot or approved by the building official; and
- (iv) The thickness of the concrete footing shall be a minimum of 12 inches with a minimum of 3,000 PSI concrete; and
- (v) Minimum concrete footing for concentrated load shall be 24 inches x 24 inches x 12 inches in depth of 3,000 PSI concrete, 24 inches to bottom below finish grade with a rebar mat of four #4's supported 3 inches from the bottom with support as approved by the building official; or
- (vi) Designed by an Arkansas registered professional architect or engineer.

(b) *Design Requirements for Buildings Located in the Hillside/Hilltop Overlay District*. A builder of a single family residence, duplex or other residential, commercial or institutional structure not within a preliminary plat or large scale development shall have the foundation plans designed, approved and sealed by a professional engineer or architect. Accessory structures that do not serve as dwelling units are exempt from this foundation requirement.

- (3) *Concrete Floors*. (Slabs on grade).

- (a) *Minimum Requirement*. Minimum requirement for concrete slab-on-grade floors shall be constructed in accordance with the *Arkansas Fire Prevention Code*, and shall be at least 8 inches above the finish grade surrounding the building; and
- (b) *Minimum Compressive Strength*. Concrete used in the construction of floors shall have a minimum compressive strength of 3,000 pounds per square inch; or
- (c) *Design*. Designed by an Arkansas registered professional architect or engineer.

- (4) *Crawl Space*. Crawl space grade shall not be lower than finish grade outside of a building without construction of a drainage remedy approved by the Building Official.

- (5) *Signs*. The City of Fayetteville adopted sign ordinance shall take precedence over conflicts with the Building Code outdoor display and signs requirements.

- (6) *Portable Buildings.* Requirements for building permits shall not apply to small one story portable buildings with an area of 80 square feet or less, but shall be subject to other applicable city requirements.
- (7) *Reroofing.* Reroofing of existing residential dwelling units including detached garages and portable buildings shall not require a permit. However, the project is not exempt from meeting all code requirements.

~~(8) — Building Permit Duration for House and Duplex.~~

~~(a) — Substantial Progress Required. Every permit issued for new construction of or additions to one (1) and two (2) family dwellings shall become invalid and the building may be declared a property nuisance unless the work authorized by such permit demonstrates substantial progress. Substantial progress shall be defined as:~~

- ~~(i) — All footing and slab inspections completed and approved no later than ninety (90) days from the date the permit is issued.~~
- ~~(ii) — All rough-in inspections completed and approved no later than one hundred (100) days from the date the permit is issued.~~
- ~~(iii) — All work completed and approved including Certificate of Occupancy no later than three hundred sixty-five (365) days from the date the permit is issued.~~

~~(b) — Granting Extensions. The Building Official is authorized to grant, in writing, an extension of up to ninety (90) days in time based on the complexity of the project. Extensions of time exceeding four hundred fifty-five (455) days may only be granted by the Construction Board of Adjustments and Appeals for good cause shown by the builder.~~

~~(c)(8) — Issuance of New Building Permit for Unfinished Project.~~ No new building permits may be issued for property for which a building permit has expired unless approved by the ~~Construction Board of Adjustments and Appeals~~ Building Official for good cause shown by the applicant and adequate assurance that the project will be completed within the time frame authorized by the ~~Construction Board of Adjustments and Appeals~~ Building Official.

- (C) *Amendments, Additions, and Deletions to the Fire Prevention Code.* The Fire Prevention Code shall be amended as follows:

*Sprinklers.* In addition to the requirements of the Fire Prevention Code and the Building Code, any new building or alteration, addition or change of occupancy of existing buildings which exceeds three stories including the basement, or 50 feet or greater in height at the highest point of said building shall be protected by a complete automatic sprinkler system designed and installed with compliance to applicable NFPA Standards.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. No. 5019, 5-15-07; Ord. No. 5308, 3-16-10)

**173.03 — Fire Zones**

~~(A) — Zones . The city is hereby divided into two (2) fire zones which shall be known as the first fire zone and the intermediate fire zone.~~

~~(1) — First Zone. The first fire zone shall include the following areas of the city:~~

~~(a) — Beginning at a point where the east line of south Locust Avenue intersects the north line of west Rock Street and running thence west along the north line of Rock Street to the east line of South West Avenue; thence north along the east line of West Avenue to the north line of West Center Street to the east line of University Avenue to the north line of West Dickson Street; thence west along the north line of Dickson Street to the east line of Arkansas Avenue; thence north along the east line of Arkansas Avenue to the south line of Ida Street; then east along the south line of Ida Street to the east line of Gregg Avenue;~~

~~thence north along the east line of Gregg Avenue to the south line of West Lafayette Street; thence east along the south line of Lafayette to a point 259 feet and 3 inches east of the east line of North West Avenue; thence south to a point in the south line of Scott Street, said point being 259 feet and 3 inches east of the east line of North West Avenue; thence east along the south line of Scott Street to the west line of Rollston Avenue, thence south along the west side of Rollston Avenue, to a point 180 feet north of the north line of West Dickson Street; thence east parallel with the north line of Dickson Street to a point in the west line of a private driveway which is 147 feet, more or less, east of the east line of College Avenue; thence south along the west line of said driveway to the south line of East Dickson Street; thence east along the south line of East Dickson Street to a point which is 300 feet east of the east line of North College Avenue; thence south parallel with the east line of College Avenue to the north line of East Rock Street; thence west along the north line of Rock Street to the point of beginning.~~

- ~~(b) Beginning on the north boundary of the area described in subsection a. above, at a point which is 180 feet north and 160 feet west of the west line of College Avenue; thence north parallel with said west line of College Avenue; thence north parallel with said west line of College Avenue 480 feet; thence west 30 feet; thence north 132 feet to the south line of Lafayette Street; thence across Lafayette Street to the north side thereof to a point 180 feet west of the west line of College Avenue; thence north 92.5 feet; thence east 10 feet; thence north parallel to the west line of College Avenue 367 feet to the south line of Maple Street; thence northwesterly across Maple Street to the east line of the north-south alley between Maple Street and Davidson Street, the east line of said alley being 200 feet west of College Avenue; thence north along said east line to Davidson Street; thence northeasterly across Davidson Street to a point on the north line thereof, 140 feet west of the west line of College Avenue; thence north parallel with said west line of College Avenue to Trenton Boulevard; thence across Trenton Boulevard to a point on the north line thereof, 150 feet west of the west line of College Avenue; thence in a northerly direction parallel to and 150 feet west of the west line of College Avenue to the south line of North Street; thence east along the south line of North Street to a point 150 feet east of the east line of College Avenue; thence in a southerly direction parallel to and 150 feet east of the east line of College Avenue to the north line of Davidson Street; thence southwesterly across Davidson Street to a point on the south line thereof 135 feet east of the east line of College Avenue; thence south parallel to and 135 feet east of the east line of College Avenue 212 feet, more or less, to an east-west alley, thence southeasterly across said alley to a point on the south side thereof 205 feet east of the east line of College Avenue; thence south parallel to and 205 feet east of the east line of College Avenue to the north line of Maple Street; thence southwesterly across Maple Street to a point on the south side thereof 110 feet east of the east line of College Avenue; thence south parallel to and 110 feet east of the east line of College Avenue; thence south parallel to and 130 feet east of the east line of College Avenue, 295 feet, more or less, to the north line of Lafayette Street; thence southwesterly across Lafayette Street to a point of the south side thereof, 120 feet east of the east line of College Avenue; thence south 112 feet; thence east to a point 200 feet east of the east line of College Avenue thence south 110 feet to Cravens Street; thence across Cravens Street to a point on the south side thereof 205 feet east of the east line of College Avenue; thence south parallel to and 205 feet east of the east line of College Avenue, 270 feet; thence west 55 feet; thence south to the north boundary of the area described in the subsection a. above; thence west to the place beginning.~~
- ~~(c) A strip of land 150 feet wide on each side of the I-540 from the north line of the first fire zone, as established in the above divisions, north along I-540 to the north city limits.~~
- ~~(d) A strip of land 150 feet wide on each side of the I-540 from the south boundary of the first fire zone, as established in the above divisions, south along I-540 to the south city limits.~~
- ~~(e) A strip of land 150 feet wide on each side of United States Highway 62 from I-540 west along United States Highway 62 to the west city limits.~~



~~(f) — A zone 460 feet wide, extending 230 feet on each side of the centerline of North College Avenue from the north line of East Dickson Street to the south line of East Davidson Street.~~

~~(g) — The west 300 feet of Block A of Maplewood Addition to the city.~~

~~(h) — Beginning at the limits of the first fire zone, as established by the above divisions, at a point on the north line of East Rock Street which is 200 feet east of the east line of South College Avenue; thence south along the east side of an alley 200 feet east of the east line of South College Avenue to the centerline extended of East South Street; thence west along the centerline of East South Street to the centerline of South East Avenue; thence south along the center line of South East Avenue to the centerline of West Fourth Street (formerly West First Street); thence west along the centerline West Fourth Street to the centerline of South Block Avenue; thence south along the centerline of South Block Avenue to the centerline of West Fifth Street; thence west along the centerline West Fifth Street extended to the intersection of the first fire zone limits as established by the above subsections, at a point 150 feet east of the east line of South School Avenue; thence north along said limits parallel and 150 feet east on the east line of South School Avenue to the north line of West Rock Street at said limits; thence east with said limits along the north line of Rock Street to the point of beginning.~~

~~(i) — A zone of 340 feet wide, extending 170 feet in each side of the centerline of South School Avenue, from the north line of Rock Street south to the south line of Fifteenth Street.~~

~~(j) — A zone 360 feet wide, extending 180 feet on each side of the centerline of West Sixth Street (Highway 62), from a north-south line parallel to and 140 feet west of the centerline of South School Avenue west to a point on a line parallel with the west line of Buchanan Avenue.~~

~~(2) — Intermediate Fire Zone. The intermediate fire zone shall include all territory now or hereafter within the corporate limits of the city which is not within the first fire zone.~~

~~(Code 1965, §16-1; Ord. No. 885, 10-01-45; Code 1991, §151.01, 151.02, 151.03; Ord. No. 4100, §2 (Ex. A), 6-16-98)~~

#### ~~173.04~~ 173.03- Electrical Code

(A) *Adoption by Reference.* There is hereby adopted by the City Council of the City of Fayetteville, Arkansas, by reference thereto the provisions set forth in the Arkansas Board of Electrical Examiners Act, Arkansas Electrical Code Authority Act, and Regulations for the Board of Electrical Examiners governing the construction, installation and inspection of electrical wiring, electrical equipment, and electrical installations, pursuant to the authority expressly conferred by the laws of the State of Arkansas, and as may from time to time hereafter be amended, save and except such as may be deleted, modified, or amended herein.

(B) *Amendments, Additions, and Deletions.* The Arkansas Board of Electrical Examiners Act, Arkansas Electrical Code Authority Act, and Regulations for the Board of Electrical Examiners governing the construction, installation, and inspection of electrical wiring, electrical equipment, and electrical installations shall be amended as follows:

(1) *Responsibilities of a Master Electrician.* It shall be the duty of the master electrician to require apprentice electricians to register annually with the city Building Safety Division before doing electrical work and to inform the Building Safety Division when said apprentice is terminated.

(2) *Exemptions.* The following shall be exempt from these provisions:

(a) *Public Utility.* Any construction, installation, maintenance, repair, or renovation by a public utility regulated by the Public Service Commission, or by a rural electric cooperative, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards.



- (b) *Department of Labor, Elevator Safety Division.* Electrical work regulated by the Arkansas Department of Labor, Elevator Safety Division.
- (c) *Minor Repair.* A permit is not required for minor repair, replacement of fuses and lamps, or connections of portable electrical equipment to permanently installed receptacles.
- (3) *Permits Required; Qualifications.*
  - (a) *Application.* All electrical work, unless specifically exempt herein, shall require the application and approval of an electrical permit from the city Building Safety Division prior to beginning electrical installations in the corporate limits of the city.
  - (b) *Issuance.* The city Building Safety Division is authorized to issue electrical permits to the following:
    - (i) Arkansas state licensed master electricians.
    - (ii) Arkansas state licensed industrial maintenance electrician for an electrical permit on or within an industrial or manufacturing type facility.
    - (iii) A permit may be issued to a property owner to install electrical installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his home. Such electrical work must strictly comply with the requirements of this chapter.
- (4) *Power Company.*
  - (a) *Meter Installation.* An electrical utility power company shall not install a meter before approval is received from the Building Safety Division when there have been changes, additions, alterations, and/or repairs to the electrical system.
  - (b) *Faulty Electrical Wiring.* An electrical utility power company shall not install a meter when faulty electrical wiring is evident and a hazard exists.
  - (c) *Existing Installation.* Nothing herein shall be so construed as to require approval from the Building Safety Division before a meter is installed on an existing installation unless some change has been made and/or a hazard exists to the electrical system.

~~(5) — Miscellaneous Provision.~~

- ~~(a) — NM and NMC cable. The use of type NM and NMC cable shall be limited to residential dwelling units and existing buildings less than 3,000 total square feet that are less than three stories and with occupancy defined by the building code as business and/or mercantile when altered, renovated, added to, and/or occupancy changed. Existing electrical wiring proposed to be used for said existing building shall be certified as safe by an Arkansas professional engineer and/or Architect or Arkansas master license electrician.~~
- ~~(b) — Pull Chain Switches. The use of pull chain switches shall be prohibited.~~
- ~~(c) — Fuses. The use of fuses as overcurrent protection of circuits shall be prohibited in residential dwellings.~~
- ~~(d) — Aluminum Conductors. The minimum size of aluminum conductors shall be #2 AWG. Splicing and termination of aluminum conductors shall be with approved compression fittings.~~

~~(6) — Neon Lighting.~~

- ~~(a) — Permit Required. Power and control electrical wiring shall not be installed without obtaining a permit. Permit application, drawings, and specification shall be submitted for approval as required by the Building Safety Division before installation begins.~~
- ~~(b) — No License Required. An electrical license shall not be required to obtain a permit to install neon tubing, associated transformer, high voltage wiring, and appurtenances.~~

(C) *Inspections and Tests.*

- (1) Inspections of electrical installations shall be requested and approved by the Building Safety Division before covering as follows:
  - (a) Temporary construction meter;
  - (b) Underground;
  - (c) In concrete or under concrete;
  - (d) Rough-in;
  - (e) Meter; and/or,
  - (f) Final.
- (2) Tests on electrical work shall be performed by the master electrician as required by the ~~Building Safety Division Director~~ building official.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

~~173.05-~~ 173.04- Gas Piping Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas State Fuel Gas Code, Rules and Regulations of the State Board of Health governing the construction, installation and inspection of consumer's gas piping, gas appliances and gas equipment, duly adopted and promulgated by the Arkansas State Board of Health, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, and as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified or amended herein.
- (B) *Amendments, Additions, and Deletions.* The Arkansas State Fuel Gas Code, Rules and Regulations of the State Board of Health, governing the construction, installation and inspection of consumer's gas piping and gas appliances and gas equipment shall be amended as follows:
  - (1) *Exemptions.* The following shall be exempt from these provisions:
    - (a) *Gas Company.* Nothing herein shall be construed as applying to a gas company, its agents, servants, and employees conducting its business under the franchise granted by the city in the installation, repair, maintenance, removal or replacement of gas piping machinery or equipment owned or operated by the gas company in the city.
    - (b) *Gas Meter.* Nothing herein shall be so construed as to require a permit and inspection from the city Building Safety Division before a gas meter can be set unless some change has been made in gas installation since service was disconnected.
  - (2) *Permit Required; Qualifications.*
    - (a) *Application.* A gas permit shall be applied for and obtained from the city Building Safety Division prior to beginning gas installations in the corporate limits of the city.
    - (b) *Issuance.* The city Building Safety Division is authorized to issue gas permits to the following:
      - (i) State licensed supervising gas fitter.
      - (ii) State licensed master plumbers.
      - (iii) A permit may be issued to a property owner to install gas installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his home. Such gas installations must strictly comply with the requirements of this chapter.

- (3) *Miscellaneous Provisions.* All underground plastic as piping shall have a #14AWG copper or large tracer wire with moisture resistant thermoplastic insulation installed in the same trench with the underground plastic piping. Said tracer wire shall be continuous and secured to the piping above ground.

(C) *Inspection and Tests.*

- (1) Inspections of gas installations shall be made before covering, and with required tests as follows:
- (a) Underground;
  - (b) Rough-in; and/or
  - (c) Final.
- (2) Tests as required by code shall remain on any addition, alteration, repair, and new piping installations until the installation has been approved by a ~~Building Safety Division Director~~ building official.

(Code 1965, §15-69, 15-61, 15-76, 15-70; Ord. No. 1432, 02-15-65; Ord. No. 1741, 06-01-70; Ord. No. 2256, 07-20-76; Ord. No. 2033, 08-06-74; Ord. No. 4100, §2 (Ex. A), 6-16-98)

~~173.06~~ 173.05- Plumbing Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas State Plumbing Code, Rules and Regulations of the State Board of Health, governing the construction, installation and inspection of plumbing and drainage, duly adopted and promulgated by the Arkansas State Board of Health, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, and as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified, or amended herein.
- (B) *Amendments, Additions, and Deletions.* The Arkansas State Plumbing Code, Rules and Regulations of the State Board of Health, governing the construction, installation, and inspection of plumbing and drainage shall be amended as follows:
- (1) *Permits Required; Qualifications.*
- (a) *Application.* All plumbing work, unless specifically exempt herein, shall require the application for and approval of a plumbing permit from the city Building Safety Division, prior to beginning plumbing installations in the corporate limits of the city, and on water and sewer systems owned by the city outside of the city limits.
  - (b) *Documentation.* No plumbing permit shall be issued until the following has been received:
    - (i) Plumbing permit issued by the State Department of Health, as required.
    - (ii) Plans and specifications approved by the State Department of Health, as required.
    - (iii) State Department of Health approval of an individual sewage disposal system when a public sewer is not available for use.
    - (iv) Building permit has been issued, if applicable.
  - (c) *Minor Repairs.* No permit is required for minor repairs to faucet, valves, pipes, appliances, and the removal of stoppage.
  - (d) *Issuance.* The city Building Safety Division is authorized to issue plumbing permits to the following:
    - (i) State licensed master plumbers.

- (ii) A permit may be issued to a property owner to install plumbing in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his home. Such plumbing work must strictly comply with the requirements of this chapter.
- (2) *Failure to Permit and Inspect.* Water meters shall not be allowed for installations that have not been permitted and inspected.
- (C) *Inspection and Tests.*
  - (1) Inspections of plumbing installations shall be made before covering, and with required test as follows:
    - (a) Underground;
    - (b) Under slab;
    - (c) Rough-in; and/or
    - (d) Multi-story rough-in; and
    - (e) Final.
  - (2) The ~~Building Safety Division Director~~ building official shall have the right to inspect and may require tests for existing plumbing installations when there is reason to believe that such system is not safe for the use it is intended. When such inspection or tests indicate a faulty or unsafe system, the system shall be made safe to the satisfaction of the ~~inspector~~ building official before the system is used.

(Code 1965, §15-1, 15-9, 15-3 15-4; Ord. No. 1433, 02-15-65; Ord. No. 1861, 04-13-72; Ord. No. 3228, 11-18-86; Ord. No. 4100, §2 (Ex. A), 6-16-98)

~~173.07~~ 173.06- Mechanical Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas State Mechanical Code, Rules and Regulations of the State HVACR Board, including guidelines for estimating heat loss and gain, governing the installation and inspection of mechanical systems duly adopted and promulgated by the Arkansas State HVACR Board, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified, or amended herein.
- (B) *Amendments, Additions, and Deletions.* The Arkansas State Mechanical Code, Rules and Regulations of the State HVACR Board, governing the installation and inspections of mechanical systems shall be amended as follows:
  - (1) *Application.* All mechanical work, unless specifically exempt herein, shall require the application for and approval of a mechanical permit from the city Building Safety Division, prior to beginning mechanical installations in the corporate limits of the city.
  - (2) *Minor Repairs.* No permit is required for minor repairs such as recharging of units, filter changes, and replacement of parts within the units.
  - (3) *Issuance.* The city Building Safety Division is authorized to issue permits to the following:
    - (a) State licensee;
    - (b) A permit may be issued to a property owner for mechanical installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his/her home. Such mechanical work must strictly comply with the requirements of this chapter.
- (C) *Inspection and Tests.*

- (1) Underslab/underground;
  - (2) Rough-in; and/or
  - (3) Final.
- (D) *Right to Inspect.* The ~~Building Safety Division Director~~ building official shall have the right to inspect and may require tests for existing mechanical installations when there is reason to believe that such system is not safe for the use intended. When such inspections or tests indicate a faulty or unsafe system, the system shall be made safe before the system is used.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

~~173.08~~ 173.07- Energy Conservation Code

- (A) *Commercial and High-Rise Residential*-. The 2011 Arkansas Energy Code as promulgated by the Arkansas Energy Office is adopted as required by A.C.A. §15-10-205 (b)(3) as applicable to all new building construction for commercial and high-rise residential structures.
- (B) *Residential.* The 2009 International Energy Conservation Code (IECC) is hereby adopted by reference for all new residential structures with the exception of §107 Fees and §109 Board of Appeals.
- (1) *New Residential Construction.* The 2009 IECC is hereby amended by adding a provision requiring a Home Energy Rating System (HERS) Index rating for new residential construction. The City of Fayetteville requires that all new residential construction have a Home Energy Rating System (HERS) Index rating completed by an independent RESNET certified home energy rater, or equivalent, prior to the issuance of a Certificate of Occupancy. Residential developments that utilize the exact same floor plan multiple times are required to have a HERS Index rating completed on a minimum of 20% of the residential units.
  - (2) ~~Sticker Label~~. A ~~sticker-label~~ provided by the city shall be posted in a very visible location near the front entrance to the residential structure indicating the estimated monthly utility cost as derived from the HERS Index rating until the structure is sold, or for at least ninety (90) days, whichever is less.
  - (3) *Additions, Alteration and Renovations.* All additions, alterations and renovations to existing residential structures shall comply with the standards of the 2009 IECC, but shall not be required to provide a HERS Index rating or post a ~~sticker label~~. Where it is shown to be impractical to meet the 2009 IECC, the Building Official may permit additions to comply with the Arkansas Energy Code, its Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as from time to time hereafter may be amended.
  - (4) *Repairs.* All repairs to existing residential structures and mechanical systems need only be constructed to at least the same energy conservation standard as the damaged structure or mechanical system which needed repair unless a higher standard is required by the Arkansas Energy Code.
  - (5) *Fees.* §107 **Fees** of the IECC is removed to reflect that only the City Council can set required fees and any refund policy, the "code official" cannot set fees nor a refund policy. All fees shall be as prescribed in the Unified Development Code.
  - (6) *Appeals.*
    - (a) §109 **Board of Appeals** shall be removed from the IECC and have no force or application. Appeals of the Building Official's interpretation of this International Energy Conservation Code shall be heard by the existing Board of Construction Appeals and no new Board of Appeals for interpreting the International Energy Conservation Code shall be created by this Code.

- (b) The Board of Construction Appeals shall hear any appeals from the 2011 Arkansas Energy Code interpretations by the Building Official as called for in Section 108 of that Code.

(Ord. No. 5157, 8-5-08; Ord. No. 5512, 7-17-12; Ord. No. 5563, 01-15-13)

~~173.09~~ 173.08- Unsafe Buildings And Property Nuisances

- (A) No person or persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the city which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.
- (B) Property Nuisances. It is unlawful for any person having charge or possession of any property to maintain it in such a manner that it is determined by the City, after a due process hearing, that a property nuisance exists upon such property. A property nuisance shall exist whenever any of the following findings are made by the City Council after a public, due process hearing:
- (1) The condition of the property endangers the life, health, property, safety, or welfare of the public or occupants of the property.
  - (2) The condition of the property is so dilapidated as to cause a diminution of the enjoyment, use or property values of neighboring properties.
  - (3) The condition of the property is detrimental to the public health, safety and general welfare.
  - (4) Unoccupied ~~-Buildings~~ buildings or structures that are -not properly secured, locked, or closed.
  - (5) Unfinished. Buildings or structures ~~which are unfinished subject to the conditions of §173.02 (B) (8)-~~ under construction that have been abandoned or inactive and for which there are no valid permits.
  - (6) Inadequate Sanitation, Light or Ventilation. Occupied buildings or structures which lack hot and cold running water to plumbing fixtures or lack the minimum amounts of natural light and ventilation as required by this Code.
  - (7) Structural Hazards. Buildings or structures which have such defective, deteriorated or inadequate foundations; flooring and/or floor support; wall, partition, or other vertical support; ceiling, roof, or other horizontal support; fireplace or chimney as to result in unsafe conditions.
  - (8) Inadequate or Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
  - (9) Inadequate or Faulty Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.
  - (10) Inadequate Means of Egress. All means of egress and related components except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
  - (11) Inadequate Fire Suppression and Alarm systems. All fire suppression and alarm systems except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
  - (12) Dilapidated Exterior. Dilapidated roof coverings; dilapidated or unfinished exterior wall coverings; broken or missing doors and/or windows.
- (C) Abatement Procedures for Unsafe Buildings and Property Nuisances; Raze and Removal and Lien Authorized.
- (1) City Prosecution Authorized. The rules and procedures of the Code Compliance Program for abatement of Unsafe Buildings and Property Nuisances should be followed. If the results of



such efforts are unsatisfactory, the Code Compliance Division Director may forward the matter for prosecution to the City Prosecutor and/or to the City Council for consideration of a raze and removal resolution.

- (2) City Council Determination Whether Property Nuisance Exists. Upon referral from the Code Compliance Division, the City Council shall hold a public hearing to determine whether or not the subject building is a property nuisance for any of the reasons specified in ~~§173.09 (B)~~ §173.08 (B) or otherwise unsafe, dilapidated, unsanitary or a detriment to the public welfare.
- (3) Raze and Removal Order. Upon the City Council's determination that the subject building is so unsafe, dilapidated, or unsanitary or such a nuisance that its raze and removal is necessary to protect the public health, safety, or welfare, the City Council shall by resolution order the owner of the building to completely abate said nuisance or to raze and remove the unsafe or nuisance building within not less than thirty (30) days.
- (4) Lien on the Property. If the owner fails to comply with the Resolution to completely abate this nuisance or to raze and remove the unsafe or nuisance building within the allowed period of time, the City of Fayetteville has the power to raze and remove the unsafe or nuisance building. If the City of Fayetteville razes and removes the unsafe or nuisance building, the City Council shall hold a public hearing to determine the fair and true costs to the city for this raze and removal and shall place a lien in that amount upon the subject property to be enforced pursuant to the lien enforcement procedures of §95.03 of the Fayetteville Code.

(Code 1991, §151.51, 151.52(A)(1)(2); Ord. No. 3948, 02-20-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4679, 2-15-05; Ord. No. 5019, 5-15-07)

#### ~~173.10~~ 173.09- Homebuilders Licensing

*Adoption by Reference.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in A.C.A. §17-25-501 et seq., save and except such portions of said code as may be deleted, modified, or amended herein.

(Code, 1991, §151.31.5)

#### ~~173.11~~ 173.10- Standard Housing Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the *Standard Housing Code, 1997 Edition*, save and except such portions of said code as may be deleted, modified, or amended herein.
- (B) *Amendments, additions, and deletions to the Standard Housing Code, 1997 Edition.* The *Standard Housing Code, 1997 Edition*, shall be amended as follows:
  - (1) The Construction Board of Adjustments and Appeals shall perform those duties of the Housing Board of Adjustments and Appeals as set forth in Section 106, *Standard Housing Code, 1997 Edition*.
  - (2) The Housing Official shall be known as the Chief Building Official.
  - (3) Section 108, *Standard Housing Code, 1997 Edition*, is hereby deleted.

(Code 1965, 6-34; Ord. No. 1558, 08-21-67; Ord. No. 2885, 01-04-83; Ord. No. 2299, 12-21-76; Ord. No. 2709, 03-24-81; Code 1991, §151.20, §151.22; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4124, §2, 11-17-98)

173.12 - Reserved



**Editor's note—** Ord. No. [6148](#), §1, adopted Feb. 5, 2019, removed §173.12, and enacted a new Ch. 51, Art. VI, §51.170 pertaining to similar subject matter. The former §173.12 pertained to standard specifications for water and sewer lines and derived from Ord. No. [6003](#), §1, adopted Oct. 17, 2017.

173.13—173.99 - Reserved

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## CHAPTER 173: - BUILDING REGULATIONS

### 173.01 - General Provisions

In addition to the specific provisions provided hereinafter, the following general provisions shall apply to the Building Code, Electric Code, Gas Code, Mechanical Code and the Plumbing Code.

#### (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.
- (2) *Expiration.* Every permit issued hereunder shall expire by limitation and become null and void if construction/installation authorized by permit is not commenced within six (6) months from the date of such permit, or if the construction/installation authorized by such permit is abandoned for a period of six (6) months at any time after the construction/installation is commenced. Before such installation can begin or be recommenced, a permit extension fee shall be paid or a new permit shall be secured for the unfinished portion of the installation as required by the building official.

#### (B) *Liability Insurance.*

- (1) The following shall be required to carry liability insurance.
  - (a) Every licensed master electrician applying for an electrical permit;
  - (b) Every licensed supervising gas fitter actively engaged in gas installations;
  - (c) Every licensed mechanical/HVACR licensee engaged in mechanical installations.
  - (d) Every licensed master plumber actively engaged in plumbing installations.
- (2) Liability insurance shall be carried as set out below:
  - General aggregate \$100,000.00
  - Personal and advertising \$100,000.00
  - Each occurrence \$100,000.00

Each certificate shall indicate name of insurance company issuing policy, name of insured, policy number, effective and expiration date, and signature of authorized representative of insurance company.

#### (C) *Responsibilities of Permit Applicant.*

- (1) *Notice to City.* It shall be the duty of the permit applicant or his authorized representative to give notice to the city Building Safety Division 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.

#### (D) *Exemptions.* The assembly and erection of approved equipment by the manufacturer of such equipment, except electrical, gas, mechanical, and plumbing connections to said equipment, shall be exempt from permitting and inspection provisions.

#### (E) *Uncovering Work.* Any installation or part thereof which is installed, altered, or repaired and covered before being inspected shall be uncovered for inspection as required by the Building Safety Division Director.

(F) *Certificate of Occupancy.*

- (1) *Required.* In addition to the building permit fee, buildings and parts of buildings shall not be occupied before a certificate of occupancy is executed and issued by the Building Official.
- (2) *Copy upon Request.* The owner of a single-family and multi-family residential dwelling will receive a copy of the certificate of occupancy if requested.
- (3) *Temporary Certificate of Occupancy.* A temporary certificate of occupancy may be executed and issued by the Building Official to allow buildings or parts of buildings to be occupied before completion of the entire scope of work.
  - (a) *Duration.* Temporary Certificates of Occupancy are valid for a maximum of thirty (30) days. Temporary certificates must be renewed at expiration until the final Certificate of Occupancy is issued.
  - (b) *Request.* A written request must be submitted by the building owner or permit applicant prior to issuance of a Temporary Certificate of Occupancy.
  - (c) The Building Official shall have the discretion to issue a Temporary Certificate of Occupancy based upon the circumstances of hardship beyond the permit holder's control, the past performance of an applicant to successfully comply with the terms of TCO issuance, or an applicant's failure to maintain a previously issued TCO. In most circumstances, no new Temporary Certificate of Occupancy will be issued to a developer or builder (regardless if the builder or developer uses different corporate or LLC names) who has one or more overdue TCOs or has otherwise not complied with previous commitments, requirements or terms of a previous TCO until the entire backlog of TCOs with any problems has been remedied to the satisfaction of the Building Official.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

173.02 - Fire Prevention Code/Building Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Fire Prevention Code, with state adopted appendices, as may from time to time hereafter be amended and adopted by the State of Arkansas, save and except such portions of said code as may be deleted, modified, or amended herein.
- (B) *Amendments, Additions, And deletions to the Building Code.* The Building Code shall be amended as follows:
  - (1) *Construction Documents.* Plans reviewed for code compliance with permits issued shall be destroyed after construction is complete and as allowed by law after being copied for permanent record and maintained by the city. Plans retained on file for one (1) through four (4) family residential dwelling units will be destroyed when construction is complete and may not be permanently copied.
    - (a) *Plans.* Plans submitted to be reviewed for code compliance and permitting shall note the following:
      - (i) Construction type;
      - (ii) Occupancy classification(s);
      - (iii) Occupant load;
      - (iv) Design live loads;
      - (v) Design dead loads;

- (vi) Occupancy and tenant separations;
  - (vii) Design snow load; and
  - (viii) Design wind load.
- (b) *Plan Review.* A plan review by an independent entity may be required by a building official for plans of unusual, special, and/or hazardous use of buildings submitted for permit or review.
- (2) *Footings and Foundations.* Building, structures, and parts thereof shall be designed and constructed in accordance with strength design, load and resistance factor design, allowable stress design, empirical design, or conventional construction methods, as permitted by the applicable material chapters of the Arkansas Fire Prevention Code and this section.
- (a) *Design Requirements.*
- (i) The footing bottoms shall be a minimum of 24 inches below finish grade; and
  - (ii) The minimum width of a concrete footing for one story building with 1,400 or less square feet shall be 18 inches. The minimum width of a concrete footing for two (2) story buildings and buildings greater than 1,400 square feet shall be 24 inches. All footings shall be reinforced with horizontal steel rebar; and
  - (iii) Minimum footing rebar size shall be two #4's in an 18 inch footing and three #4's in a 24 inch footing each tied perpendicular to the #4 rebar spaced no more than 24 inches on center, and supported 3 inches from the bottom of the footing spaced no more than 6 foot or approved by the building official; and
  - (iv) The thickness of the concrete footing shall be a minimum of 12 inches with a minimum of 3,000 PSI concrete; and
  - (v) Minimum concrete footing for concentrated load shall be 24 inches x 24 inches x 12 inches in depth of 3,000 PSI concrete, 24 inches to bottom below finish grade with a rebar mat of four #4's supported 3 inches from the bottom with support as approved by the building official; or
  - (vi) Designed by an Arkansas registered professional architect or engineer.
- (b) *Design Requirements for Buildings Located in the Hillside/Hilltop Overlay District .* A builder of a single family residence, duplex or other residential, commercial or institutional structure not within a preliminary plat or large scale development shall have the foundation plans designed, approved and sealed by a professional engineer or architect. Accessory structures that do not serve as dwelling units are exempt from this foundation requirement.(3) *Concrete Floors.* (Slabs on grade).
- (a) *Minimum Requirement.* Minimum requirement for concrete slab-on-grade floors shall be constructed in accordance with the *Arkansas Fire Prevention Code*, and shall be at least 8 inches above the finish grade surrounding the building; and
  - (b) *Minimum Compressive Strength.* Concrete used in the construction of floors shall have a minimum compressive strength of 3,000 pounds per square inch; or
  - (c) *Design.* Designed by an Arkansas registered professional architect or engineer.
- (4) *Crawl Space.* Crawl space grade shall not be lower than finish grade outside of a building without construction of a drainage remedy approved by the Building Official.
- (5) *Signs.* The City of Fayetteville adopted sign ordinance shall take precedence over conflicts with the Building Code outdoor display and signs requirements.
- (6) *Portable Buildings.* Requirements for building permits shall not apply to small one story portable buildings with an area of 80 square feet or less but shall be subject to other applicable city requirements.

- (7) *Reroofing.* Reroofing of existing residential dwelling units including detached garages and portable buildings shall not require a permit. However, the project is not exempt from meeting all code requirements.
- (8) *Issuance of New Building Permit for Unfinished Project.* No new building permits may be issued for property for which a building permit has expired unless approved by the Building Official for good cause shown by the applicant and adequate assurance that the project will be completed within the time frame authorized by the Building Official.
- (C) *Amendments, Additions, and Deletions to the Fire Prevention Code.* The Fire Prevention Code shall be amended as follows:

*Sprinklers.* In addition to the requirements of the Fire Prevention Code and the Building Code, any new building or alteration, addition or change of occupancy of existing buildings which exceeds three stories including the basement, or 50 feet or greater in height at the highest point of said building shall be protected by a complete automatic sprinkler system designed and installed with compliance to applicable NFPA Standards.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. No. 5019, 5-15-07; Ord. No. 5308, 3-16-10)

#### 173.03- Electrical Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council of the City of Fayetteville, Arkansas, by reference thereto the provisions set forth in the Arkansas Board of Electrical Examiners Act, Arkansas Electrical Code Authority Act, and Regulations for the Board of Electrical Examiners governing the construction, installation and inspection of electrical wiring, electrical equipment, and electrical installations, pursuant to the authority expressly conferred by the laws of the State of Arkansas, and as may from time to time hereafter be amended, save and except such as may be deleted, modified, or amended herein.
- (B) *Amendments, Additions, and Deletions.* The Arkansas Board of Electrical Examiners Act, Arkansas Electrical Code Authority Act, and Regulations for the Board of Electrical Examiners governing the construction, installation, and inspection of electrical wiring, electrical equipment, and electrical installations shall be amended as follows:
  - (1) *Responsibilities of a Master Electrician.* It shall be the duty of the master electrician to require apprentice electricians to register annually with the city Building Safety Division before doing electrical work and to inform the Building Safety Division when said apprentice is terminated.
  - (2) *Exemptions.* The following shall be exempt from these provisions:
    - (a) *Public Utility.* Any construction, installation, maintenance, repair, or renovation by a public utility regulated by the Public Service Commission, or by a rural electric cooperative, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards.
    - (b) *Department of Labor, Elevator Safety Division.* Electrical work regulated by the Arkansas Department of Labor, Elevator Safety Division.
    - (c) *Minor Repair.* A permit is not required for minor repair, replacement of fuses and lamps, or connections of portable electrical equipment to permanently installed receptacles.
  - (3) *Permits Required; Qualifications.*
    - (a) *Application.* All electrical work, unless specifically exempt herein, shall require the application and approval of an electrical permit from the city Building Safety Division prior to beginning electrical installations in the corporate limits of the city.
    - (b) *Issuance.* The city Building Safety Division is authorized to issue electrical permits to the following:

- (i) Arkansas state licensed master electricians.
  - (ii) Arkansas state licensed industrial maintenance electrician for an electrical permit on or within an industrial or manufacturing type facility.
  - (iii) A permit may be issued to a property owner to install electrical installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his home. Such electrical work must strictly comply with the requirements of this chapter.
- (4) *Power Company.*
- (a) *Meter Installation.* An electrical utility power company shall not install a meter before approval is received from the Building Safety Division when there have been changes, additions, alterations, and/or repairs to the electrical system.
  - (b) *Faulty Electrical Wiring.* An electrical utility power company shall not install a meter when faulty electrical wiring is evident and a hazard exists.
  - (c) *Existing Installation.* Nothing herein shall be so construed as to require approval from the Building Safety Division before a meter is installed on an existing installation unless some change has been made and/or a hazard exists to the electrical system.

(C) *Inspections and Tests.*

- (1) Inspections of electrical installations shall be requested and approved by the Building Safety Division before covering as follows:
  - (a) Temporary construction meter;
  - (b) Underground;
  - (c) In concrete or under concrete;
  - (d) Rough-in;
  - (e) Meter; and/or,
  - (f) Final.
- (2) Tests on electrical work shall be performed by the master electrician as required by the building official.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

173.04- Gas Piping Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas State Fuel Gas Code, Rules and Regulations of the State Board of Health governing the construction, installation and inspection of consumer's gas piping, gas appliances and gas equipment, duly adopted and promulgated by the Arkansas State Board of Health, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, and as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified or amended herein.
- (B) *Amendments, Additions, and Deletions.* The Arkansas State Fuel Gas Code, Rules and Regulations of the State Board of Health, governing the construction, installation and inspection of consumer's gas piping and gas appliances and gas equipment shall be amended as follows:
  - (1) *Exemptions.* The following shall be exempt from these provisions:
    - (a) *Gas Company.* Nothing herein shall be construed as applying to a gas company, its agents, servants, and employees conducting its business under the franchise granted by

the city in the installation, repair, maintenance, removal or replacement of gas piping machinery or equipment owned or operated by the gas company in the city.

- (b) *Gas Meter.* Nothing herein shall be so construed as to require a permit and inspection from the city Building Safety Division before a gas meter can be set unless some change has been made in gas installation since service was disconnected.

(2) *Permit Required; Qualifications.*

- (a) *Application.* A gas permit shall be applied for and obtained from the city Building Safety Division prior to beginning gas installations in the corporate limits of the city.
- (b) *Issuance.* The city Building Safety Division is authorized to issue gas permits to the following:
  - (i) State licensed supervising gas fitter.
  - (ii) State licensed master plumbers.
  - (iii) A permit may be issued to a property owner to install gas installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his home. Such gas installations must strictly comply with the requirements of this chapter.

- (3) *Miscellaneous Provisions.* All underground plastic gas piping shall have a #14AWG copper or large tracer wire with moisture resistant thermoplastic insulation installed in the same trench with the underground plastic piping. Said tracer wire shall be continuous and secured to the piping above ground.

(C) *Inspection and Tests.*

- (1) Inspections of gas installations shall be made before covering, and with required tests as follows:
  - (a) Underground;
  - (b) Rough-in; and/or
  - (c) Final.
- (2) Tests as required by code shall remain on any addition, alteration, repair, and new piping installations until the installation has been approved by a building official.

(Code 1965, §15-69, 15-61, 15-76, 15-70; Ord. No. 1432, 02-15-65; Ord. No. 1741, 06-01-70; Ord. No. 2256, 07-20-76; Ord. No. 2033, 08-06-74; Ord. No. 4100, §2 (Ex. A), 6-16-98)

173.05- Plumbing Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas State Plumbing Code, Rules and Regulations of the State Board of Health, governing the construction, installation and inspection of plumbing and drainage, duly adopted and promulgated by the Arkansas State Board of Health, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, and as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified, or amended herein.
- (B) *Amendments, Additions, and Deletions.* The Arkansas State Plumbing Code, Rules and Regulations of the State Board of Health, governing the construction, installation, and inspection of plumbing and drainage shall be amended as follows:
  - (1) *Permits Required; Qualifications.*
    - (a) *Application.* All plumbing work, unless specifically exempt herein, shall require the application for and approval of a plumbing permit from the city Building Safety Division,



prior to beginning plumbing installations in the corporate limits of the city, and on water and sewer systems owned by the city outside of the city limits.

- (b) *Documentation.* No plumbing permit shall be issued until the following has been received:
    - (i) Plumbing permit issued by the State Department of Health, as required.
    - (ii) Plans and specifications approved by the State Department of Health, as required.
    - (iii) State Department of Health approval of an individual sewage disposal system when a public sewer is not available for use.
    - (iv) Building permit has been issued, if applicable.
  - (c) *Minor Repairs.* No permit is required for minor repairs to faucet, valves, pipes, appliances, and the removal of stoppage.
  - (d) *Issuance.* The city Building Safety Division is authorized to issue plumbing permits to the following:
    - (i) State licensed master plumbers.
    - (ii) A permit may be issued to a property owner to install plumbing in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his home. Such plumbing work must strictly comply with the requirements of this chapter.
- (2) *Failure to Permit and Inspect.* Water meters shall not be allowed for installations that have not been permitted and inspected.

(C) *Inspection and Tests.*

- (1) Inspections of plumbing installations shall be made before covering, and with required test as follows:
  - (a) Underground;
  - (b) Under slab;
  - (c) Rough-in; and/or
  - (d) Multi-story rough-in; and
  - (e) Final.
- (2) The building official shall have the right to inspect and may require tests for existing plumbing installations when there is reason to believe that such system is not safe for the use it is intended. When such inspection or tests indicate a faulty or unsafe system, the system shall be made safe to the satisfaction of the building official before the system is used.

(Code 1965, §15-1, 15-9, 15-3 15-4; Ord. No. 1433, 02-15-65; Ord. No. 1861, 04-13-72; Ord. No. 3228, 11-18-86; Ord. No. 4100, §2 (Ex. A), 6-16-98)

173.06- Mechanical Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas State Mechanical Code, Rules and Regulations of the State HVACR Board, including guidelines for estimating heat loss and gain, governing the installation and inspection of mechanical systems duly adopted and promulgated by the Arkansas State HVACR Board, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified, or amended herein.

(B) *Amendments, Additions, and Deletions.* The Arkansas State Mechanical Code, Rules and Regulations of the State HVACR Board, governing the installation and inspections of mechanical systems shall be amended as follows:

- (1) *Application.* All mechanical work, unless specifically exempt herein, shall require the application for and approval of a mechanical permit from the city Building Safety Division, prior to beginning mechanical installations in the corporate limits of the city.
- (2) *Minor Repairs.* No permit is required for minor repairs such as recharging of units, filter changes, and replacement of parts within the units.
- (3) *Issuance.* The city Building Safety Division is authorized to issue permits to the following:
  - (a) State licensee;
  - (b) A permit may be issued to a property owner for mechanical installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his/her home. Such mechanical work must strictly comply with the requirements of this chapter.

(C) *Inspection and Tests.*

- (1) Underslab/underground;
- (2) Rough-in; and/or
- (3) Final.

(D) *Right to Inspect.* The building official shall have the right to inspect and may require tests for existing mechanical installations when there is reason to believe that such system is not safe for the use intended. When such inspections or tests indicate a faulty or unsafe system, the system shall be made safe before the system is used.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

#### 173.07- Energy Conservation Code

(A) *Commercial and High-Rise Residential.* The 2011 Arkansas Energy Code as promulgated by the Arkansas Energy Office is adopted as required by A.C.A. §15-10-205 (b)(3) as applicable to all new building construction for commercial and high-rise residential structures.

(B) *Residential.* The 2009 International Energy Conservation Code (IECC) is hereby adopted by reference for all new residential structures with the exception of §107 Fees and §109 Board of Appeals.

- (1) *New Residential Construction.* The 2009 IECC is hereby amended by adding a provision requiring a Home Energy Rating System (HERS) Index rating for new residential construction. The City of Fayetteville requires that all new residential construction have a Home Energy Rating System (HERS) Index rating completed by an independent RESNET certified home energy rater, or equivalent, prior to the issuance of a Certificate of Occupancy. Residential developments that utilize the exact same floor plan multiple times are required to have a HERS Index rating completed on a minimum of 20% of the residential units.
- (2) *Label.* A label provided by the city shall be posted in a very visible location near the front entrance to the residential structure indicating the estimated monthly utility cost as derived from the HERS Index rating until the structure is sold, or for at least ninety (90) days, whichever is less.
- (3) *Additions, Alteration and Renovations.* All additions, alterations and renovations to existing residential structures shall comply with the standards of the 2009 IECC, but shall not be required to provide a HERS Index rating or post a label. Where it is shown to be impractical to meet the 2009 IECC, the Building Official may permit additions to comply with the Arkansas

Energy Code, its Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as from time to time hereafter may be amended.

- (4) *Repairs.* All repairs to existing residential structures and mechanical systems need only be constructed to at least the same energy conservation standard as the damaged structure or mechanical system which needed repair unless a higher standard is required by the Arkansas Energy Code.
- (5) *Fees.* §107 **Fees** of the IECC is removed to reflect that only the City Council can set required fees and any refund policy, the "code official" cannot set fees nor a refund policy. All fees shall be as prescribed in the Unified Development Code.
- (6) *Appeals.*
  - (a) §109 **Board of Appeals** shall be removed from the IECC and have no force or application. Appeals of the Building Official's interpretation of this International Energy Conservation Code shall be heard by the existing Board of Construction Appeals and no new Board of Appeals for interpreting the International Energy Conservation Code shall be created by this Code.
  - (b) The Board of Construction Appeals shall hear any appeals from the 2011 Arkansas Energy Code interpretations by the Building Official as called for in Section 108 of that Code.

(Ord. No. 5157, 8-5-08; Ord. No. 5512, 7-17-12; Ord. No. 5563, 01-15-13)

#### 173.08- Unsafe Buildings And Property Nuisances

- (A) No person or persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the city which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.
- (B) *Property Nuisances.* It is unlawful for any person having charge or possession of any property to maintain it in such a manner that it is determined by the City, after a due process hearing, that a property nuisance exists upon such property. A property nuisance shall exist whenever any of the following findings are made by the City Council after a public, due process hearing:
  - (1) The condition of the property endangers the life, health, property, safety, or welfare of the public or occupants of the property.
  - (2) The condition of the property is so dilapidated as to cause a diminution of the enjoyment, use or property values of neighboring properties.
  - (3) The condition of the property is detrimental to the public health, safety and general welfare.
  - (4) Unoccupied buildings or structures that are not properly secured, locked, or closed.
  - (5) Unfinished. Buildings or structures under construction that have been abandoned or inactive and for which there are no valid permits.
  - (6) Inadequate Sanitation, Light or Ventilation. Occupied buildings or structures which lack hot and cold running water to plumbing fixtures or lack the minimum amounts of natural light and ventilation as required by this Code.
  - (7) Structural Hazards. Buildings or structures which have such defective, deteriorated or inadequate foundations; flooring and/or floor support; wall, partition, or other vertical support; ceiling, roof, or other horizontal support; fireplace or chimney as to result in unsafe conditions.
  - (8) Inadequate or Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

- (9) Inadequate or Faulty Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.
  - (10) Inadequate Means of Egress. All means of egress and related components except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
  - (11) Inadequate Fire Suppression and Alarm systems. All fire suppression and alarm systems except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
  - (12) Dilapidated Exterior. Dilapidated roof coverings; dilapidated or unfinished exterior wall coverings; broken or missing doors and/or windows.
- (C) Abatement Procedures for Unsafe Buildings and Property Nuisances; Raze and Removal and Lien Authorized.
- (1) City Prosecution Authorized. The rules and procedures of the Code Compliance Program for abatement of Unsafe Buildings and Property Nuisances should be followed. If the results of such efforts are unsatisfactory, the Code Compliance Division Director may forward the matter for prosecution to the City Prosecutor and/or to the City Council for consideration of a raze and removal resolution.
  - (2) City Council Determination Whether Property Nuisance Exists. Upon referral from the Code Compliance Division, the City Council shall hold a public hearing to determine whether or not the subject building is a property nuisance for any of the reasons specified in §173.08 (B) or otherwise unsafe, dilapidated, unsanitary or a detriment to the public welfare.
  - (3) Raze and Removal Order. Upon the City Council's determination that the subject building is so unsafe, dilapidated, or unsanitary or such a nuisance that its raze and removal is necessary to protect the public health, safety, or welfare, the City Council shall by resolution order the owner of the building to completely abate said nuisance or to raze and remove the unsafe or nuisance building within not less than thirty (30) days.
  - (4) Lien on the Property. If the owner fails to comply with the Resolution to completely abate this nuisance or to raze and remove the unsafe or nuisance building within the allowed period of time, the City of Fayetteville has the power to raze and remove the unsafe or nuisance building. If the City of Fayetteville razes and removes the unsafe or nuisance building, the City Council shall hold a public hearing to determine the fair and true costs to the city for this raze and removal and shall place a lien in that amount upon the subject property to be enforced pursuant to the lien enforcement procedures of §95.03 of the Fayetteville Code.

(Code 1991, §151.51, 151.52(A)(1)(2); Ord. No. 3948, 02-20-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4679, 2-15-05; Ord. No. 5019, 5-15-07)

#### 173.09- Homebuilders Licensing

*Adoption by Reference.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in A.C.A. §17-25-501 et seq., save and except such portions of said code as may be deleted, modified, or amended herein.

(Code, 1991, §151.31.5)

#### 173.10- Standard Housing Code

- (A) *Adoption by Reference.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the *Standard Housing Code, 1997 Edition*, save and except such portions of said code as may be deleted, modified, or amended herein.

(B) *Amendments, additions, and deletions to the Standard Housing Code, 1997 Edition.* The *Standard Housing Code, 1997 Edition*, shall be amended as follows:

- (1) The Construction Board of Adjustments and Appeals shall perform those duties of the Housing Board of Adjustments and Appeals as set forth in Section 106, *Standard Housing Code, 1997 Edition*.
- (2) The Housing Official shall be known as the Chief Building Official.
- (3) Section 108, *Standard Housing Code, 1997 Edition*, is hereby deleted.

(Code 1965, 6-34; Ord. No. 1558, 08-21-67; Ord. No. 2885, 01-04-83; Ord. No. 2299, 12-21-76; Ord. No. 2709, 03-24-81; Code 1991, §151.20, §151.22; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4124, §2, 11-17-98)

173.12 - Reserved

**Editor's note—** Ord. No. [6148](#), §1, adopted Feb. 5, 2019, removed §173.12, and enacted a new Ch. 51, Art. VI, §51.170 pertaining to similar subject matter. The former §173.12 pertained to standard specifications for water and sewer lines and derived from Ord. No. [6003](#), §1, adopted Oct. 17, 2017.

173.13—173.99 - Reserved