

**TITLE 11**

**BUILDINGS AND CONSTRUCTION**

Chapters:

- 11.04 Electrical Code
- 11.08 Plumbing
- 11.12 Board of Inspection and Review
- 11.16 Fire Prevention Code
- 11.20 Building Permit
- 11.24 Spray Painting
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- 11.44 Building Codes
- 11.48 Construction on Extraterritorial City Property
- 11.52 Mechanical Code
- 11.56 Fair Housing
- 11.60 Energy Code

**CHAPTER 11.04**

**ELECTRICAL CODE**

Sections:

- 11.04.01 Adoption by reference
- 11.04.02 Electrical fee schedule

11.04.01 Adoption by reference Three (3) copies of a new and updated Electrical Code for the city of Stuttgart, Arkansas, being on file in the office of the City Clerk and available for inspection by the public, said new and updated Electrical Code is hereby adopted by reference, said new and updated Electrical Code to be construed as though included herein word for word. (Ord. No. 961, Sec. 1)

11.04.02 Electrical fee schedule Ordinance 1492 is amended to eliminate the electrical fee schedule. (Ord. No. 1519, Sec. 1.)

## Chapter 11.08

### PLUMBING

#### Sections:

11.08.01	Adoption by reference
11.08.02	Licensing of plumbers
11.08.03	Permit fees; reinspection
11.08.04	Bond required
11.08.05	Street openings
11.08.06	Penalties
11.08.07	Prohibited material
11.08.08	Plastic gas line

#### 11.08.01 Adoption by reference.

A. Upon recommendation by the City of Stuttgart Inspection and Review Board, the City Council of the City of Stuttgart, Arkansas, hereby adopts as the City of Stuttgart Plumbing Code the Arkansas State Plumbing Code in its entirety.

B. The proper city officials are hereby authorized and directed to make all necessary changes in the City of Stuttgart Plumbing Code; and all ordinances or parts of ordinances or code in conflict with the provisions of this chapter are hereby repealed. (Ord. No. 1435, Sec. II)

C. The provisions and regulations of the State Plumbing Code and amendments thereto, adopted by the State Board of Health are hereby made a part of this chapter by reference, three (3) certified copies of which shall be on file in the office of the City Clerk, and shall extend over and govern the installation of all plumbing of gas piping installed, altered or repaired in the City. (Ord. No. 1177, Sec. 1)

11.08.02 Licensing of plumbers. A license fee of Fifty Dollars (\$50.00) for each calendar year, payable in advance to the City Clerk on or before the 1st day of January of each year, is hereby levied against each person doing business or contracting as a master plumber in the City. Such fee shall be in addition to any occupation or privilege tax levied against such business. Any master plumber beginning business or contracting for business in the City after January 1st of any calendar year shall pay a license fee for the entire year

It shall be unlawful for any person to engage in business as a plumber or to contract for plumbing in the City unless such person shall have been licensed as a master plumber by the State Board of Health under the provisions of Act No. 210 of the 1953 General Assembly of

Arkansas (A.C.A. 14-88-101 and 104, and subsequent amendments thereto), and unless such person shall have first paid the license fee herein provided. The City Clerk shall issue no license to any person applying therefor until the Plumbing Inspector shall have certified in writing to the City Clerk that the applicant is properly licensed as a master plumber under the provisions of said Act of the General Assembly. (Ord. No. 437, Sec. 4)

11.08.03 Permit fees; reinspection.

A. Before beginning any plumbing work in the city the person installing the same shall apply to the Plumbing Inspector and obtain a permit to do such work. Only those persons authorized to do plumbing may be issued permits. 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. (Ord. No. 437, Sec. 5)

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

Plumbing Rough-In Inspection	\$10.00
Each Plumbing Fixture and Waste Discharge service	2.00
New or Reconstructed Sewer Connection .	10.00
Each Septic Tank	5.00
Gas Inspection	12.00

Street address must be prominently displayed on the job premises before any inspection trip is made. All Plumbing Inspection fees chargeable under this chapter shall be payable to the office of the City Clerk, who shall keep a record thereof and place all such fees in the City General Fund.

When a reinspection is required, the plumber involved shall file with the office of the City Clerk an application for reinspection. The Plumbing Inspector shall report to the City Clerk the number of additional trips made to the job for that purpose and the applicant shall pay to the City Clerk an additional fee of Five (\$5.00) Dollars for each trip made by the Inspector in accordance with the provisions of this chapter. If any plumber fails or refuses to pay any inspection or reinspection fees as set forth herein, the City Clerk shall not issue any subsequent Plumbing Permits to such person until all inspection or reinspection fees due the city shall have been paid in full. (Ord. No. 1014, Sec. 1)

C. Before approval to conduct any work in the city of Stuttgart, Arkansas, under the Stuttgart Plumbing Code, all such persons or businesses and service providers must be licensed by the state of Arkansas to perform such work and said licenses must be on record with the office of the Building Inspector for the city of Stuttgart, except as provided by Section 5, Sub-Section A of the Stuttgart Plumbing Code. (Ord. No. 1607, Sec. 1.)

11.08.04 Bond required. Any and all persons or organizations before approval to conduct any business under the Stuttgart Plumbing Code of the city of Stuttgart, Arkansas, shall file with the City Clerk proof of current liability insurance of \$500,000 per person and \$1,000,000 per incident. Said policy shall provide not less than ten (10) days notice be provided by the insurance carrier to the city of Stuttgart prior to cancellation. If for any reason the insurance should lapse or become unenforceable then the right to conduct business as authorized in and for the city of Stuttgart shall immediately cease. (Ord. No. 1607, Sec. 2.)

11.08.05 Street openings. All Street and Alley Cuts for water and sewer service shall be made by the Water and Sewer Department, which shall be responsible for obtaining permits from the office of the City Clerk for such a street and Alley Cut. The licensed plumber applying to the Water and Sewer Department for a Street and Alley Cut shall, prior to the issuance of any Street and Alley Cut Permit pay to the office of the City Clerk a Street and Alley Cut fee in the amount of Sixty (\$60.00) Dollars, which amount shall be credited to the City of Stuttgart Street Fund for necessary backfill and resurfacing procedures after such Street and Alley Cut is made.

The Water and Sewer Department shall take such services to the property line, and it shall be the responsibility of the property owner to contract and pay for the plumbing work involved from the property line to and including improvements placed on said property.

The City Clerk shall keep and maintain proper records on all Street and Alley Cut permits issued and all monies collected and the Water and Sewer Department shall not permit a sewer tap unless and until a receipt for said Street and Alley Cut fee is presented to them. The Street and Alley Cut fee herein established shall be in addition to any and all other Water and Sewer service fees which are now or may hereafter be established. (Ord. No. 934, Sec. 1)

11.08.06 Penalties. The Plumbing Inspector or the Deputy Plumbing Inspector, in cases of violations of any part of this chapter, is hereby authorized to direct the City Water Works to remove the water meter which provides services to the premises, and the City Water Works shall not reinstall said meter unless and until directed to do so by the Plumbing Inspector or his Deputy. The plumber whose violation of this chapter has caused the removal of said water meter shall pay the City Water Works for its services in removing and reinstalling said meter before such meter is reinstalled. In addition, a charge may be filed against any person violating this chapter, such charge to be filed in the Municipal Court. Any person found guilty of violating any of the provisions of this chapter shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day that such violation continues shall be a separate offense. (Ord. No. 437, Sec. 8 as amended by Ord. No. 836, Sec. 2)

11.08.07 Prohibited material. From this date forward the use of either one-half (1/2) inch or three-quarters (3/4) inch pipe made of polybutylene for water service lines in any house or other building or structure within the corporate limits of the City of Stuttgart, Arkansas, shall be specifically prohibited. (Ord. No. 1110, Sec. 1 )

11.08.08 Plastic gas line. All portions of any plastic service line for natural gas located outside of any building within the corporate limits of the city of Stuttgart, Arkansas, shall be installed at a minimum depth of eighteen (18) inches beneath ground level and all other provisions of Section 15.2.5.3 of the Arkansas State Plumbing Code shall be applicable to such plastic gas line service. (Ord. No. 1111, Sec. 1)

## **CHAPTER 11.12**

### **BOARD OF INSPECTION AND REVIEW**

**Sections:**

- 11.12.01 Creation and composition of Board
- 11.12.02 Term of appointment
- 11.12.03 Appointment
- 11.12.04 Removal of members
- 11.12.05 Performance of duties
- 11.12.06 Authority
- 11.12.07 Promulgation and amendment of rules and regulations
- 11.12.08 Qualifications and authority of Code Enforcement Officer
- 11.12.09 Right of entry
- 11.12.10 Inspection fees
- 11.12.11 Meetings
- 11.12.12 Repealer
- 11.12.13 Abolishment of existing boards
- 11.12.14 Penalties
- 11.12.15 No warranty implied

11.12.01 Creation and composition of Board. There is hereby established a Board of nine (9) members to be known as the Board of Inspection and Review (hereafter referred to as the "Board".) The Board shall continue its duties as herein provided. The membership of this Board shall be comprised of persons with the following qualifications and expertise:

Position 1 shall be a commercial or residential building contractor or builder.

Position 2 shall be a commercial or residential building contractor or builder.

Position 3 shall be an "at large" position.

Position 4 shall be a Master Electrician.

Position 5 shall be a Master Electrician.

Position 6 shall be an "at large" position.

Position 7 shall be a Master Plumber.

Position 8 shall be a Master Plumber.

Position 9 shall be an "at large" position.

Position 10 shall be a person licensed in the state of Arkansas to working the fields of hearing, venting, air-conditioning and refrigeration (hereinafter referred to as "HVACR").

Position 11 shall be a person licensed in the state of Arkansas to work in the fields of HVACR. (Ord. No. 1701, Sec. 1)

11.12.02 Term of appointment. With the exception of the initial terms of appointment outlined below, each member of the Board shall be appointed for a term of three (3) years. Any member may be appointed to succeed himself following the expiration of his term. Vacancies for any unexpired term shall be filled in the same manner as provided for the appointment of members to serve a complete term and such appointment to an unexpired term shall only be for the period of time remaining on such unexpired term.

To provide for the orderly replacement of members of the Board and to assure continuity of membership, the initial terms of the members shall be as follows:

Position 1	3 years
Position 2	2 years
Position 3	1 year
Position 4	3 years
Position 5	2 years
Position 6	1 year
Position 7	3 years
Position 8	2 years
Position 9	1 year
Position 10	3 years
Position 11	3 years

(Ord. No. 1701, Sec.2)

11.12.03 Appointment. The members of the Board shall be appointed by the Mayor of the city of Stuttgart, subject to the approval of a majority of the City Council. (Ord. No. 1701, Sec. 3)

11.12.04 Removal of members. Any member of the Board may be removed by a majority vote of the City Council for the city of Stuttgart for incompetence, failure to attend and participate in Board meetings, inefficiency or dereliction of duty. (Ord. No. 1701, Sec. 4)

11.12.05 Performance of duties. The members of the Board shall select from their membership a chairman to preside at meetings of the Board and a secretary to record the minutes of the meetings of the Board. (Ord. No. 1701, Sec. 5)

11.12.06 Authority The Board shall be vested with all powers and authority previously exercised by the Building Code Board, the Electrical Board and the Plumbing Review Board. Such powers and duties include:

- A. The adoption and promulgation of rules and regulations for the enforcement of the Stuttgart Building Code, the International Building Code, the Stuttgart Electrical Code, the Stuttgart Plumbing Code, the HVACR and conduct of related matters;
- B. To recommend to the Mayor persons to be employed as the Code Enforcement Officer and his or her assistants (hereinafter referred to as CEO);
- C. To hear and determine all appeals involving questions of compliance with the city and/or state ordinances and codes concerning building, electrical installations and plumbing and HVACR;
- D. To examine the qualifications of all persons, firms or corporations who, in any form within the city of Stuttgart, engage in or desire to engage in the business of contracting electrical wiring work or installing electric wiring, lighting fixtures or apparatus, building, plumbing and HVACR;
- E. To adopt such rules and regulations for the examination of all applicants for electrician's license and for the conduct of such other business as may be necessary in connection therewith.
- J. To discipline licensed plumbers, builders, electricians, and HVACR such disciplinary rights to include the power to order the appropriate public utilities in the city to disconnect or to refuse to connect jobs done by plumbers who have consistently or flagrantly disregarded or disobeyed any provisions of the State Codes and/or the applicable city ordinances. (Ord. No.1701, Sec. 6)

11.12.07 Promulgation and amendment of rules and regulations The Board shall have the power to change and amend its rules and regulations, subject to this limitation. Prior to the effective date of any such rules and regulations promulgated and adopted by the Board, they shall be approved by the City Council of the city of Stuttgart. Upon adoption, at least two (2) copies of these rules and regulations shall remain on file with the City Clerk. (Ord. No.1701, Sec. 7)

11.12.08 Qualifications and authority of Code Enforcement Officer

- A. Code Enforcement Officer: The Code Enforcement Officer shall be a certified Building Inspector who shall have at least ten (10) years of experience or equivalent as an architect, engineer, Building Inspector, building contractor or superintendent of building construction, or any combination of these for five (5) years.
- B. Job duties and responsibilities
1. Enforce the International Building Code, State Fire Code and Stuttgart Building Code as adopted for all building of structures within the city of Stuttgart and oversee all city properties.
  2. To administer and implement the provisions of Ord. No. 1231 and other appropriate sections of 44 CFR pertinent to flood plain management.
  3. To provide Zoning Plan for the coordinated, adjusted and harmonious development of the city of Stuttgart.
  4. To inspect all wiring apparatus, equipment and insulation for electrical lights, heat and air, etc. according to the National Electric Code and the city of Stuttgart ordinances.
  5. Inspect the plumbing rough-in, connections to fixtures, gas pipe, hot water and sewer according to state and City Plumbing Code and Arkansas Mechanical Code (HVACR) as amended for city of Stuttgart (See Ord. No. 1557).
  6. Inspect all constructions including, but not specifically limited to, all new constructions, remodeling, additions and improvements within the city limits of Stuttgart, Arkansas, and within the jurisdiction of the Stuttgart Planning Commission. The purpose of such inspections shall be to insure compliance with and enforcement of the provisions of the Stuttgart Building Code or the International Building Code as well as any other applicable laws of the state of Arkansas and applicable rules and regulations of the Board of Inspection and Review.
  7. Make sure all city properties are in compliance with ADA (Americans with Disabilities Act), and public businesses, etc. are in compliance.
  8. Assist citizens with application for building, plumbing and electrical permits.



9. Inspect all sites, building of new structures, remodeling, additions, accessory structures, electrical and plumbing making sure all codes are followed.
10. Review, approve or deny all applications.
11. Keep updated city map with proper changes in zoning, street and alley closing, annexation, easements and right-of-way, etc.
12. Have knowledge and enforce all ordinances that affect the city and citizens pertaining to building, electrical, plumbing, zoning, subdivisions, flood hazard, ADA, and HVACR.
13. Make sure all work complies with codes for which permit was issued.
14. To enforce all laws, rules, regulations and city ordinances.
15. To control the development of land within the planning jurisdiction of the city to assist in safeguarding property owners, lessees and tenants as to the proper location of buildings.
16. Work with Board of Adjustment enforcing all zoning regulations as set out in city ordinances.
17. Work with Planning Commission in their endeavors with new subdivision and regulations, zoning, street and alley openings and closings.
18. Assist Fire Chief, local Fire Marshall and state Fire Marshall to enforce the State Fire Code and city ordinances.
19. Maintain current filing system for reports of inspection on jobs in progress and submit a monthly report to City Council.
20. Maintain and hold open for public inspection all records.
21. Review permit applications and determine whether proposed building site will be reasonable safe from flooding.
22. Review, approve or deny all application for development. Certificates of inspection and a form to be determined by the Board shall be issued by the Code Enforcement Officer or his or her assistants.

- C. The Code Enforcement Officer and his or her assistants The Code Enforcement Officer and his or her assistants (hereinafter referred to as "CEO") shall be hired and accountable to the Mayor of the city of Stuttgart, Arkansas, may be discharged by the Mayor with the consent of the majority of the City Council for failure or refusal to comply with or enforce any of the provisions of this ordinance, codes or regulations within the jurisdiction of the Code Enforcement Officer or dereliction of duty, incompetence or insufficiency. The Code Enforcement Officer and his or her assistants shall be accountable to the Mayor and perform their duties under the supervision of the Mayor of the city of Stuttgart, Arkansas. (Ord. No. 1701, Sec. 8.)

11.12.09 Right of entry. The CEO is hereby granted the authority to enter all buildings in the city in the performance of their duties between the hours of 8:00 a.m. and 5:00 p.m. daily. (Ord. No. 1701, Sec. 9)

11.12.10 Inspection fees The Board shall recommend, subject to approval by the City Council, a schedule of fees to be charged for inspections necessary to insure compliance with the provisions of the code and ordinances referred to herein. (Ord. No. 1701, Sec. 10.)

11.12.11 Meetings. The Board shall conduct a minimum of one (1) regular meeting per month and may, upon a call by the chairman or by three (3) Board members, conduct such special meetings as may be necessary. (Ord. No. 1701, Sec. 11)

11.12.12 Repealer All ordinances and parts of ordinances, which conflict or are inconsistent with the provision of this ordinance are, as of the effective date of this ordinance, repealed and shall have no force or effect. All codes, regulations, salaries, license and inspection fees presently in force shall remain in full force and effect until such time as they may be amended by the Board and/or the City Council. (Ord. No. 1701, Sec. 12.)

11.12.13 Abolishment of existing boards As of the effective date of this ordinance, the existing Building Code Board, Electrical Board and Plumbing Review Board, together with all inspector positions created pursuant to prior ordinances, shall be abolished. (Ord. No. 1701, Sec. 13.)

11.12.14 Penalties Penalties and willful violation of the terms and provisions of the Stuttgart Building Code or the International Building Code or his ordinance or any rules and regulations adopted by the Board of Inspection and Review will constitute a misdemeanor and the person guilty of the willful violation shall be assessed a fine not to exceed not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for more than thirty (30) days or by both such fine and imprisonment. Each day during a violation continues shall constitute a separate offense. (Ord. No. 1701, Sec. 14.)

11.12.15 No warranty implied Nothing contained herein shall be construed or interpreted to constitute a warranty by the city of the compliance of any person or persons. No word, phrase, or paragraph contained herein shall be interpreted or construed to waive that tort immunity as set forth under Arkansas law. (Ord. No. 1701, Sec. 15.)

## CHAPTER 11.16

### FIRE PREVENTION CODE

Sections:

11.16.01	Adoption by reference
11.16.02	Enforcement
11.16.03	Inspection
11.16.04	Penalty
11.16.05	Establishment of fire limits
11.16.06	Permit required
11.16.07	Application for permit
11.16.08	Modification
11.16.09	Appeals
11.16.10	Penalties

11.16.01 Adoption by reference. There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the State Fire Prevention Code, recommended by the Department of State Police and the State Fire Marshal, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by 11.16.06 of this chapter), of which code not less than three (3) copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city.

11.16.02 Enforcement. Police power is hereby granted to the Chief and the members of the Fire Department for the enforcement of the provisions hereof, and to enter premises other than private dwellings, for the purpose of investigating and inspecting fire hazard conditions and directing proper maintenance in conformity hereto.

11.16.03 Inspection. It shall be the duty of the Fire Chief to cause to be made a systematic inspection, at least quarterly, of all parts of each buildings within the fire limits prescribed by ordinance, and of all premises other than private dwellings within the corporate limits of the city; the Inspector shall immediately given written notice to the owner or occupants of said premises to remove or correct objectionable or hazardous conditions specified in said notice within twenty-four (24) hours after receipt of such notice. The Chief shall also make a report to the City Council of dangerous conditions and violations of ordinances discovered on such inspections.

11.16.04 Penalty. Any person failing to permit such inspection or any person failing or refusing to correct or remove such hazards in accordance with the Inspector's directions, shall be deemed guilty of a misdemeanor, and shall be fined, upon conviction, not less than Five (\$5.00)

Dollars nor more than Twenty-Five (\$25.00) Dollars for each offense, each day of maintenance of such hazardous conditions after receipt of written notice from the Inspector shall constitute a separate offense.

11.16.05 Establishment of fire limits.

The fire limits of the city are hereby established as follows:

Begin at the intersection of the center line of the alley extending through Block 28 of Flood's Addition to the city, with the center line of Cleveland Street; run thence North along the center line of said alley through Block 28 and 29 of Flood's Addition to its point of intersection with the center line of Arthur Street; run thence East along the center line of Arthur Street to the point of intersection of the center line of the alley running through Block 14 of original plat addition to the city with the center line of Arthur Street; thence run North along said center line of said alley through Blocks 14, 1, 4 and 3 of Original Plat Addition to the city to its point of intersection with the center line of Washington Avenue; run thence West along the center line of Washington Avenue to the intersection with the center line of Buerkle Street; run thence North along the center line of Buerkle Street to a point thereon located 150 feet North of the North right-of-way line of U. S. Highway 79 (as the same follows Michigan Avenue across the city); run thence East 150 feet North of a parallel with the North right-of-way line of said U.S. Highway No. 79 to a point on the West line of the West-half of the Southwest Quarter to the Southeast Quarter of Section 21, Township 2 South, Range 5 West, located 150 feet North of said Highway right-of-way line; run thence South along the West line of said West-half of the Southwest Quarter of the Southeast Quarter of Section 21 to its point of intersection with the center line of Washington Avenue; run thence West along the center line of Washington Avenue to the point of intersection of said street center line with the center line of the alley running through Block 7 of Original Plat Addition to the city; run thence South along the center line of said alley through Block 7, 8, 2 and 13 of Original Plat Addition to the city and through Blocks 25 and 26 of Flood's Addition to the city, to the point of intersection of said alley center line with the North right-of-way line to the main line of St. Louis Southwestern Railway Company; run thence in a Southwesterly direction along the North right-of-way line of said railway company to its point of intersection with the center line of Cleveland Street; run thence West along the center line of Cleveland Street to the point of beginning. and,

Beginning at the intersection of the center lines of Maple Street and Cleveland Street; thence East along the center line of Cleveland Street to the East line of the St. Louis Southwestern Railway Company right-of-way; thence in a Northerly direction along said right-of-way line to the East line of Grand Avenue; thence South along said East line of Grand Avenue to its intersection with the center line of East 2nd Street; thence to the center line of College Street; thence South along the center line of College Street to a point 100 feet South of the South line of 6th Street; thence West to the center line of the alley located between College and Main Streets; thence South along the center line of said alley to the center line of 15th Street; thence South along a projection of the center line of the aforementioned alley to the North line of East

17th Street; thence East to a Northerly projection of the West line of College Street; thence South along said West line of College Street to the North line of 19th Street; thence East to the center line of Grand Avenue; thence South to the center line of East 20th Street; thence East to the center line of Park Avenue; thence South to the center line to 22nd Street; thence West along said center line to a point 150 feet West of the West line of South Main Street; thence North to a point on the South boundary lines of Block 100, Leslie's Addition to the city, thence West to the East line of South Porter Street; thence North along said line to the South boundary of West 19th Street; thence East a distance of 150 feet; thence North along the West boundary of Block 99, Leslie's Addition; thence North along said boundary line to the South boundary line to the South boundary of West 18th Street; thence Northerly to the center line of the alley in College View Subdivision; thence North along said center line of said alley to the center line of the alley in Block 95, Improvement Company's Addition; thence North along said center line running through Block 94, 93 and 33 of said Improvement Company's Addition; thence North on a projection of said center line to the center line of the alley in Block 4 Park Place Addition; thence North along the center line of the alley between Main and Maple Streets, and a projection of said center line to its intersection with the center line of West 7th Street; thence to the center line of the intersection of 7th Street and Maple Street; thence Northwesterly to the Southwest corner of Lot 12, Block 7, Harper's Addition. Thence Northerly to the intersection of the center lines of Ist Street and Maple Street; thence North along the said center line of Maple Street to the point of beginning.

11.16.06 Permit required. It shall be unlawful for any person to erect, construct or repair any building within the fire limits described by city ordinance without first obtaining a permit to do so as hereinafter prescribed. (Ord. No. 354, Sec. 1)

11.16.07 Application for permit. Application for a building permit within the fire limits shall be written; such application shall set out the character of building to be erected, repaired or constructed, the location thereof, a complete layout of the work to be done, and a list of materials to be used therein. Such application shall be examined by the Fire Chief or by one of his assistants, who shall certify on the face of such application that the type of construction and the materials to be used are in compliance with the technical code used by the city for such purpose.

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

11.16.09 Appeals. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or

wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within thirty (30) days from the date of the decision appealed.

**11.16.10 Penalties.** Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars or by imprisonment for not less than one (1) day nor more than ten (10) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

## **Chapter 11.20**

### **BUILDING PERMIT**

#### **Sections:**

- 11.20.01 Required, posting
- 11.20.02 Inspection and fees
- 11.20.03 Effect on other ordinances
- 11.20.04 Penalty
- 11.20.05 State energy efficiency standards adopted

**11.20.01 Required, posting.** No person shall build any structure or any addition to any structure in the city unless and until a written application for a building permit has been filed and such building permit obtained from the City Clerk. Said building permit when obtained shall be posted in a conspicuous location on the premises for which it is issued. It is hereby made the duty of the builder or contractor of such construction to apply for and obtain such permit. (Ord. No. 517, Secs. 1 and 2)

#### **11.20.02 Inspection and fees.**

A. That in order to comply with the new energy regulations issued by the State of Arkansas, it has become necessary to require the City Code Enforcement Officer to make periodic inspections during construction for compliance with said energy regulations. It is therefore determined that a schedule of fees for said inspection needs to be

implemented as follows:

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### COMMERCIAL BUILDINGS

\$	0 to \$	100.00	\$	10.00
\$	101.00 to \$	1,000.00	\$	30.00
\$	1,001.00 to \$	2,000.00	\$	40.00
\$	2,001.00 to \$	3,000.00	\$	50.00
\$	3,001.00 to \$	5,000.00	\$	70.00
\$	5,001.00 to \$	5,000.00	\$	140.00
\$	10,001.00 to \$	15,000.00	\$	180.00
\$	15,001.00 to \$	20,000.00	\$	200.00
\$	20,001.00 to \$	30,000.00	\$	240.00
\$	30,001.00 to \$	40,000.00	\$	280.00
\$	40,001.00 to \$	50,000.00	\$	310.00
\$	50,001.00 to \$	75,000.00	\$	350.00
\$	75,001.00 to \$	100,000.00	\$	400.00
\$	100,001.00 to \$	150,000.00	\$	450.00
\$	150,001.00 to \$	200,000.00	\$	500.00

\$500.00 for the first \$200.00.00 plus \$1.00 for each additional thousand or fraction thereof

### RESIDENTIAL BUILDINGS

NEW HOMES. Twelve Cents (\$.12) per square foot for all floor space (storage, garages, porches, living - both first and other floors.)

STORAGE AND OUTSIDE BUILDINGS. Fifteen Dollars (\$15.00) minimum plus Five Cents (\$.05) for each square foot over one hundred forty (140) square feet. The fee is based on total square footage, not just area under roof.

MOBILE HOMES. Thirty Dollars (\$30.00)

ADDITION. Twelve Cents (\$.12) per square foot with a minimum fee of Thirty Dollars (\$30.00). (Ord. No. 1139, Sec. 1 as amended by Ord. No. 1497, Sec. 1.)

COMMERCIAL CHANGE OF OCCUPANCY. Fifteen Dollars (\$15.00)

RESIDENTIAL REINSPECTION. Fifteen Dollars (\$15.00). Ord. No. 1497, Sec. 1.)

B. That the City Clerk is hereby directed to collect said fess at the time of application for building permits.

C. That it is the duty of the contractor or builder to contact the City code Enforcement Officer at least twenty-four (24) hours prior to the date of inspection. (Ord. No. 1068, Sec. 1.)

1. In order to comply with the Arkansas construction Industry Education Act (Act 474 of 1999), effective July 30, 1999, there shall be imposed in addition to the fees set out in Section 1 of Ord. No. 1068 and in Municipal Code Section 11.24.02 for non-residential construction permits a fee of \$.50 per \$1,000.00 construction costs set out on the Building Permit Application.
2. Of the additional fees, the city of Stuttgart shall retain five percent (5% for costs of administration.
3. The city of Stuttgart shall be responsible for remitting by the 15<sup>th</sup> of the following month after collection to the Department of finance and Administration the additional fees so collected, less the five percent (5% retained under the provisions of Section 2. (Ord. No. 1609, Sec. 3.)

D. All building permits are good for a period of one (1) year from the date issued. Extensions may be granted upon written request, however, not to extend beyond one additional year. (See Ord. 1497, Sec. II.)

11.20.03 Effect on other ordinances. This chapter in no way amends or repeals existing ordinances or regulations pertaining to sewer, water and gas cuts in the city streets or to the application for and obtaining building permits within the designated fire zone of the city. (Ord. No. 517, Sec. 5.)

11.20.04 Penalty. Any builder, contractor or owner (if there be no independent builder or contractor) failing to apply for such building permit or failing to post the bond herein required before starting construction, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and each day of work on said construction shall constitute a separate offense. (Ord. No. 517, Sec. 4.)

11.20.05 State energy efficiency standards adopted. The City Council hereby finds that it is in the best interest of the citizens of Stuttgart to formally adopt the 1979 ARKANSAS RULES AND REGULATIONS FOR ENERGY EFFICIENCY STANDARDS FOR NEW BUILDING CONSTRUCTION, an adopted by the Arkansas Department of Energy. (Ord. No. 1052, Sec. 1.)



**CHAPTER 11.24****SPRAY PAINTING****Sections:**

- 11.24.01 Permit
- 11.24.02 Penalty

**11.24.01 Permit.** No person who uses a paint spray gun for painting a building or any part thereof shall begin such work without first making written application and obtaining a permit therefor from the City Clerk. The written application shall show the location of the proposed work, the method or means to be used to protect the persons and property of others from such spray, and said application shall be accompanied by cash bond, in the amount of Fifty Dollars (\$50.00) payable to the city, conditioned that the applicant will reimburse any affected person for damage to person or property occurring in the performance of said work; if such reimbursement is not made as required herein, such cash bond shall be forfeited to the city. (Ord. No. 397, Sec. 1 and 2.)

11.24.02 Penalty. Any person violating Section 11.24.01 shall be fined in any sum not less than Fifty Dollars. (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00).

## **CHAPTER 11.28**

### **WRECKING AND RAZING STRUCTURES**

#### **Sections:**

11.28.01	Permit
11.28.02	Posting
11.28.03	Bond
11.28.04	Extension
11.28.05	Penalty

11.28.01 Permit. It shall be unlawful for any person to begin or to work on the wrecking, demolition or razing of any structure in the city without first making application to the City Clerk for a permit and receiving such a permit. (Ord. No. 829, Sec. 1)

11.28.02 Posting. Such permit shall be issued to the applicant in duplicate so that one copy shall be posted at the site of work and the other copy shall be kept in possession of the permittee. Said permit shall be in full force and effect for a period of sixty (60) days from the date of issuance. (Ord. No. 829, Sec. 2)

11.28.03 Bond When making application for such permit, the applicant shall file a bond, in the amount of Five Hundred (\$500.00) Dollars, payable to the city, conditioned that the holder of the permit will complete said job within the prescribed sixty (60) day period, or apply for and receive an extension of such permit and that such permit holder shall remove from said property all debris, scrap building material and correct any other deficiencies on said property which create unsightly or unsanitary conditions, which conditions were caused by or connected with such work. (Ord. No. 829, Sec. 3)

11.28.04 Extension. Upon proper application to the City Clerk for an extension of time for the accomplishment of such work under the permit, together with an obligation extending the bond, the City Clerk shall extend said permit for an additional sixty (60) days. (Ord. No. 829, Sec. 4)

11.28.05 Penalty. Any person violating any provision of this chapter, shall upon conviction, be fined in any sum not less than Twenty-Five (\$25.00) Dollars, with each day such violation is allowed to continue constituting a separate offense. In addition to the criminal penalty prescribed above, the city, if necessary, shall have the right to enter upon said property

for the purpose of removing or remedying any unsanitary or unsightly conditions and shall claim a lien against said property for the cost of such work after giving written notice to the property owner of its intention to do so at least thirty (30) days before the city enter, upon and performs work on said property. This action will not relieve or release the property owner from criminal liability for violation of this chapter as specified above. (Ord. No. 829, Secs. 5 & 6)

## Chapter 11.32

### PUBLIC FACILITIES BOARD

Sections:

- 11.32.01 Creation of the Public Facilities Board of Stuttgart, Arkansas
- 11.32.02 Membership of the Board
- 11.32.03 Organization of the Board
- 11.32.04 Removal of Board members
- 11.32.05 General powers of the Board
- 11.32.06 Additional authority of the Board
- 11.32.07 Use of funds and revenues
- 11.32.08 Authority with respect to bonds
- 11.32.09 Meetings
- 11.32.10 Records
- 11.32.11 Annual reports

11.32.01 Creation of the Public Facilities Board of Stuttgart, Arkansas. There is hereby created a Public Facilities Board pursuant to the Public Facilities Boards Act (Act No. 142 of the General Assembly of the State of Arkansas for 1975, as amended, A.C.A. 14-137-101, through 123.) to be known as "The Public Facilities Board of Stuttgart, Arkansas" (hereafter referred to as the "Board") with the authority provided in the Act as herein set forth and with the membership thereon to be as designated herein. The power is hereby retained at any time and from time to time to alter, change or revoke the structure, organization, programs, or activities of the Board, but any such action taken by this Council shall not alter or impair contracts made by the Board pursuant to its authority hereunder prior to the effective date of any such action by this Council. (Ord. No. 969, Sec. 1)

11.32.02 Membership of the Board. The initial members of the Board shall be appointed by the Mayor, within ten (10) days from the adoption of this ordinance and those appointed shall serve for terms of one, two, three, four and five years, respectively. Successors for members of the Board whose terms expire or who die, resign or otherwise become disqualified shall be elected by a majority of the remaining members of the Board for terms of five years each. Each Board member shall qualify by taking and filing with the City Clerk of Stuttgart, Arkansas, his

oath of office, swearing to support the Constitution of the United States and the Constitution of the State of Arkansas and to discharge faithfully his duties in the manner provided by law. Notwithstanding the limitation on the terms of members hereby appointed to the Board, each such member and each member hereafter elected to fill vacancies, shall serve until his successor is elected and qualified. A member of the Board shall be eligible to succeed himself. (Ord. No. 969, Sec. 2)

11.32.03 Organization of the Board. The members of this Board hereby appointed shall meet and organize by electing one of their number as a chairman, one as a vice chairman, one as a secretary, and one as a treasurer, and such officer shall be elected annually for terms of one year thereafter in like manner. The duties of secretary and treasurer may be performed by the same member. The Board may, at its option, designate an executive director who shall not be a member of the Board and who shall serve at the pleasure of the Board with such compensation as shall be fixed by the Board, from time to time. The members of the Board shall receive no compensation for their services, but may be entitled to reimbursement for expenses incurred in the performance of their duties. (Ord. No. 969, Sec. 3)

11.32.04 Removal of Board members. Any member of the Board may be removed for misfeasance, malfeasance or willful neglect of duty by the Mayor of Stuttgart, Arkansas, after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal. (Ord. No. 969, Sec. 4)

11.32.05 General powers of the Board. This Board is hereby specifically authorized and empowered to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or lend for the purpose of acquiring or financing land for the purpose of constructing, acquiring or equipping, or otherwise deal in or dispose of either health care facilities, residential housing facilities, off-street parking facilities, recreational and tourist facilities, waterworks facilities, sewer facilities, facilities for securing or developing industry, or any combination of such facilities, or any interest in such facilities, including, without limitation, leasehold interest in and mortgages on such facilities. The Board is further empowered to make loans to mortgage lenders on the condition that such mortgage lenders use the proceeds of each such loan to provide financing for either health care facilities, recreational and tourist facilities, waterworks facilities, residential housing facilities, off-street parking facilities, sewer facilities, facilities for securing or developing industry, or any combination of such facilities.

The Board is specifically given all of the authority which may be granted to public facilities boards pursuant to the act to accomplish the public facilities projects herein described.

Such facilities as described herein may be acquired, financed, or otherwise accomplished in the manner provided herein, either within Arkansas County, or within or near or partly within and partly near the City of Stuttgart, or within a twenty (20) mile radius of the City of (Stuttgart). (Ord. No. 969, Sec. 5)

11.32.06 Additional authority of the Board.

This Board is hereby additionally authorized and empowered:

- A. As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this order or the Public Facilities Boards Act as it may, from time to time be amended, for the regulation of its affairs and the conduct of its business;
- B. To maintain an office at such place or places as the Board may designate, from time to time;
- C. To sue and be sued in its own name;
- D. To fix, charge and collect rents, fees, loan repayments, interest and charges for the use of any public facilities project or a loan made in connection therewith;
- E. To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, architects, surveyors, accountants, financial experts, and others as it may in its judgment find necessary for the accomplishment of the purpose and objectives for which is has been created and to fix their compensation;
- F. To do any and all other acts and things to accomplish the public facilities projects for which it is authorized by this ordinance and all other acts and things authorized or required by the Public Facilities Boards Act as it may, from time to time, be amended, except such as might be specifically limited herein and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created. (Ord. No. 969, Sec. 6)

11.32.07 Use of funds and revenues. The Board is hereby authorized to use any available funds and revenues for the accomplishment of the public facilities projects which it is herein authorized to finance, but no contract or commitment of the Board shall be construed as a general obligation of the City of Stuttgart, Arkansas, to any extent. Net earning of the Board (beyond that necessary for retirement of any of its bonds or indebtedness or to implement any public facilities project authorized herein) shall inure to Stuttgart, Arkansas, and no other person or persons whomsoever. Upon dissolution of the Board, title to all property owned by the Board shall vest in Stuttgart, Arkansas. (Ord. No. 969, Sec. 7)

11.32.08 Authority with respect to bonds This Board shall have, with respect to the issuance of bonds authorized herein to be issued by it, the authority and power with respect thereto set forth and contained in A.C.A. 14-137-116 through 122, which terms and provisions are hereby incorporated in this ordinance as though herein expressly set forth, word for word,

except to the extent that changes are required from the provisions thereof to be consistent with the context of this ordinance, but within ninety (90) days prior to the date of each issue of obligations of the Board, the Board shall obtain the approval of the Finance Committee of the City Council of Stuttgart, Arkansas. And further, the Finance Committee of the City of Stuttgart shall approve any and all actions taken by the Board with respect to any type of funding for any project undertaken by the Board. (Ord. No. 969, Sec. 8)

11.32.09 Meetings. The Board shall meet upon the call of its chairman, or a majority of its members, and at such time as may be specified, in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by a resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board. (Ord. No. 969, Sec. 9)

11.32.10 Records. The secretary shall keep a record of the proceedings of the Board and shall be a custodian of its books, documents, and papers and of the minute book or journal of the Board and its official seal, if any shall be adopted. The secretary may cause copies of all minutes and other records and documents of ' the Board to be made and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 969, Sec. 10)

11.32.11 Annual reports. Within the first ninety (90) days of each calendar year, the Board shall make a written report to the City Council of Stuttgart, Arkansas, concerning its activities for the preceding calendar year. (Ord. No. 969, Sec. 11)

## **Chapter 11.36**

### **FIRE LIMITS**

#### Sections:

11.36.01	Description
11.36.02	Outside walls
11.36.03	Penalty
11.36.04	Repairs
11.36.05	Penalty
11.36.06	Enforcement
11.36.07	Wooden structures

11.36.01 Description.

The limits of the fire district in the City of Stuttgart, Arkansas, are established as follows:

Begin at the West boundary of Columbus Street at its intersection with West 22nd Street; thence North to the center line of West 20th Street; thence East along the center line of West 20th Street to a point one hundred fifty (150) feet East of the East line of Porter Street; to the Northeast corner of Lot 4, Block 5, Union Addition; thence West to the center line of Maple Street; thence North to the center line of West 3rd Street; thence diagonally to the center of the intersection of West 2nd and North Porter Streets; thence in a Northeasterly direction along the North side of the St. Louis Southwestern Railway to a point where such right-of-way intersects the alley in Block 33, Floods Additions; thence to a point fifty (50) feet South of the South boundary of Washington Street; thence West to the West boundary of Buerkle Street; thence North along said West boundary of Buerkle Street to a point one hundred fifty (150) feet North of the North boundary of Michigan Street; thence East to the East boundary of Leslie Street; thence South to the center of East Washington Street; thence West along the center line of East Washington Street to a point where the North end of the alley in Block 11, First Original Plat intersects; thence South to the St. Louis Southwestern Railway Company right-of-way; thence across said railway right-of-way Easterly to the center of North Grand Avenue near Harrison Street; thence South to the center line of East 2nd Street; thence West to the center of the intersection of East 2nd Street and South College Street; thence South to a point one hundred fifty (150) feet South of the South boundary of East 4th Street; thence West to the East boundary of the alley in Block 18, Union Addition; thence South in a straight line to the center line of East 17th Street; thence East along said center line to the center line of South college Street; thence South to the center line of East 19th Street; thence East to the center line of South Grand Avenue; thence South along said center line to the center line of East 20th Street; thence along East 20th Street in an Easterly direction to Park Avenue; thence South along the West side of Park Avenue to the center line of East 22nd Street; thence West along said center line of East 22nd Street to Columbus Street, the point of beginning. (Ord. No. 723, Sec. 1)

11.36.02 Outside walls. That hereafter all buildings or additions to buildings erected, or residences converted to commercial or business use, within the fire district as set forth in the Stuttgart Municipal Code, 11.20.05, of said city shall have the outside wall thereof constructed of stone, brick or concrete and shall be covered or roofed with slate, tin, zinc, copper or iron or some equally fireproof material and the blinds, shutters, cornices, gutters and awnings shall also be made of some fireproof material as set forth in State Fire Prevention Code, (1968 Edition) and the Fire Prevention Code of the City of Stuttgart, Arkansas. (Ord. No. 1014, Sec. 1)

11.36.03 Penalty. Any owner, lessee or person who has a qualified interest therein, builder or any other person who shall own, build or aid in erection of any building or part of building within said fire limits of said city, contrary to or in any other manner than authorized by

the provisions of this ordinance, or who shall own, remove or assist in removing any wooden building within said limits from one place to another therein, or who shall own or assist in building any building contrary to the provisions of this ordinance, shall be deemed guilty of a misdemeanor and fined in any sum not exceeding Twenty-Five (\$25.00) Dollars or double said sum for such repetitions of such violation or offense. (Ord. No. 240, Sec. 3)

11.36.04 Repairs. No building not constructed of the material hereinbefore required within the fire limits aforesaid shall be razed, enlarged or removed to any other portion of the said fire limits; nor shall any such building within said fire limits which is damaged or in a state of dilapidation or decay from any cause, or which may hereafter become so, to the extent if twenty-five percentum (25%) of its value when new be so repaired as to be raised higher at any point than the highest point standing when repairs are begun, nor so as to occupy a greater space than when such repairs are begun provided, however, that no part of this section which relates to the repairing of buildings within the fire limits shall apply to buildings constructed originally for residence purposes and used and to be used when occupied at all, exclusively as residences. (Ord. No. 240, Sec. 4)

11.36.05 Penalty. Every person who shall violate in any manner any provision of Section 4 of this ordinance shall, upon conviction, be fined in the sum of Ten (\$10.00) Dollars and each day that said violation continues shall be deemed a separate offense. (Ord. No. 240, Sec. 5)

11.36.06 Enforcement. It shall be the duty of the Chief of Police to arrest all persons guilty of violating any of the provisions of this ordinance and take the person or persons so arrested before the Police Judge for trial and it shall be the duty of the Chief of Police to notify the owner or the person in charge of such building, structure or addition to remove or cause same to be removed outside of said fire limits, and if such person cannot be found, or for one day after such notice is given shall fail to remove said structure or addition, the Chief of Police shall have the same torn down and removed outside of said limits. It shall be the duty of the Mayor and Chief of Police to see that this ordinance is strictly enforced. (Ord. No. 240, Sec. 6)

11.36.07 Wooden structures. No wooden building within the fire limits of said city shall be added to, razed, enlarged or improved in any manner where wooden material is used; provided that any dwelling house, used as such may be repaired only and provided further, that none of the provisions of this ordinance shall apply to small houses built and used exclusively as privies. (Ord. No. 240, Sec. 7)



## Chapter 11.40

### CONDEMNED STRUCTURES

#### Sections:

11.40.01	Nuisance
11.40.02	Removal
11.40.03	Resolution
11.40.04	Notice
11.40.05	Removal time
11.40.06	Sale
11.40.07	Proceeds of sale
11.40.08	Enforcement of lien
11.40.09	Fine
11.40.10	Judicially declared nuisance

11.40.01 Nuisance. That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Stuttgart, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 1108, Sec. 1)

11.40.02 Removal. That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 1108, Sec. 2)

11.40.03 Resolution. That the resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure; the name or names, if known, of the owner or owners thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 1108, Sec. 3)

11.40.04 Notice. After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner or owners thereof; if the whereabouts of said owner or owners thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 1108, Sec. 4)

1.40.05 Removal time. If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 1108, Sec. 5)

11.40.06 Sale. The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 1108, Sec. 6)

11.40.07 Proceeds of sale. All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 1108, Sec. 7)

11.40.08 Enforcement of lien. If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by Section I of Act 80 of 1983. The lien may be enforced in either one of the following manners:

A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or

B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks; the determination of said governing body being subject to appeal by the property owner in the Chancery Court; and the amount so determined, at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and

collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector. (Ord. No. 1108, Sec. 8)

11.40.09 Fine A fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of One Hundred Dollars (\$100.00) Dollars for each said separate and distinct offense; provided the notice as herein provided in Section 11.40.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 1758, Sec. 1)

11.40.10 Judicially declared nuisance. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction a fine of Fifty (\$50.00) Dollars is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty (\$50.00) Dollars for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or other person or persons referred to in Section 11.40.05 of this ordinance will take such action as provided in Section 11.40.06 hereof, and Section 11.40.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sections apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 1108, Sec. 10)

## **CHAPTER 11.44**

### **BUILDING CODES**

Sections:

11.44.01	Adopted by reference
11.44.02	Application
11.44.03	City Clerk responsibilities
11.44.04	Adopted by reference
11.44.05	City Clerk maintains

11.44.01 Adopted by reference. The proposed Building Code for the City of Stuttgart prepared at the direction of the Mayor of Stuttgart by the duly appointed and acting Building Code Study Commission, which has been the subject of public hearing and has been recommended by the Stuttgart Planning Commission is hereby adopted by reference as if fully set out in the body of this ordinance. (Ord. No. 1136, Sec. I)

11.44.02 Application. This Building Code shall apply to the construction of all residential dwelling units within the City of Stuttgart commenced after the effective date of this ordinance. (Ord. No. 1136, Sec. II)

11.44.03 City clerk responsibilities. The City Clerk of the City of Stuttgart, Arkansas, is hereby directed and authorized to maintain on file in the office of the City Clerk at least two (2) copies of this Stuttgart Building Code and is further authorized to distribute copies of this document to interested parties upon the payment of an appropriate fee for such copy, this fee to be set by the Clerk and approved by the City Council. (Ord. No. 1136, Sec. III)

11.44.04 Adopted by reference. The Southern Standard Building Code is hereby adopted by reference as if fully set out herein and shall apply to all commercial and industrial construction commenced within the City of Stuttgart after the effective date of this ordinance. (Ord. No. 1136, Sec. IV)

11.44.05 City Clerk maintains. The City Clerk of the City of Stuttgart is hereby directed and authorized to maintain on file in the office of the City Clerk at least two (2) copies of the Southern Standard Building Code. (Ord. No. 1136, Sec. V)

## **Chapter 11.48**

### **CONSTRUCTION ON EXTRATERRITORIAL CITY PROPERTY**

Sections:

- 11.48.01 Permits
- 11.48.02 Code requirements

11.48.01 Permits. From and after the passage of this ordinance, all persons, firms or entities engaging in general construction, electrical work or plumbing on property owned by the City of Stuttgart but being located outside the city limits shall, prior to beginning any such construction or performing any such work, obtain a permit of the same type and in the same manner as may be required for similar construction or work within the city limits of the City of Stuttgart, provided, however, that there shall be no fee imposed in connection with the obtaining of such permit. (Ord. No. 1309, Sec. I)

11.48.02 Code requirements All construction, electrical work or plumbing performed on property owned by the City of Stuttgart but located outside the city limits shall be performed in accordance with all codes, ordinances and regulations as may be applicable in connection with the same or similar work performed within the city limits. In addition, all such work shall be subject to inspection in the same manner as if such work were performed within the city limits, provided, however, that there shall be no inspection fee charged. (Ord. No. 1309, Sec. II)

## CHAPTER 11.52

### MECHANICAL CODE

#### Sections:

11.52.01	Code adopted
11.52.02	Permit table
11.52.03	Providers must be licensed
11.52.04	Copies published
11.52.05	Penalty
11.52.06	Severance
11.52.07	Inspection and Review Board

11.52.01 Code adopted There is hereby adopted by the City Council the Arkansas Mechanical Code, or the most recent edition, thereof, save and except such portions as amended in Section 2 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For the purpose of this ordinance, the Building Inspector, his or her assistants, or any individual assigned by the Mayor, shall be the Administrative Authority@ authorized to enforce the provisions of the Mechanical Code. (Ord. No. 1557, Sec. 1.)

11.52.02 Permit table The aforementioned Code shall be amended as follows:  
Exclude Appendix AB@ - Schedule of Permit Fees.

In lieu of Appendix AB@ the following list of fees shall apply.

Establish and authorize the following permit fee table:

NEW CONSTRUCTION

- A. Residential  
\$10.00 per system plus \$1.00 per duct opening for 2 inspections (rough-in and final) and an additional \$7.50 for each re-inspection will be charged.
- B. Commercial/Industrial  
\$25.00 per system plus \$2.00 per duct opening for 2 inspections (rough-in & final) and an additional \$15.00 for each re-inspections will be charged.

REPLACEMENT/RETROFIT

- A. Residential  
\$10.00 per system or part thereof for 2 inspections (rough-in & final) and an additional \$7.50 for each re-inspection will be charged.  
  
\$1.00 for the addition or replace of duct opening for 2 inspections (rough-in & final) and an additional \$7.50 for each re-inspection will be charged.
- B. Commercial/Industrial  
\$15.00 for the first 5 tons for 2 inspections (rough-in & final) and additional \$15.00 for each re-inspection will be charged.  
  
\$1.00 per ton for 6 thru 100 tons for 2 inspections (rough-in & final) and additional \$15.00 for each re-inspection will be charged. (Ord. No. 1557. Sec. 2.)

11.52.03 Providers must be licensed Before conducting any business or performing any work in the city of Stuttgart covered under the Arkansas Mechanical Code, all such business and service providers must be licensed by the State of Arkansas to perform such work and said license must be on record with the office of the Building Inspector for the city of Stuttgart.

Any and all persons or organizations conducting business prior to approval to conduct business in the city of Stuttgart shall provide current proof of liability insurance of \$5,000,000 per person \$1,000,000 per incident. Said policy shall provide that not less than ten (10) days notice be provided by the insurance carrier to the city of Stuttgart prior to cancellation. (Ord. No. 1557, Sec. 2A.)

11.52.04 Copies published Three (3) copies of The Arkansas Mechanical Code are to be kept on file in the office of the Clerk and/or Building Official of the city of Stuttgart, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned

code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Stuttgart, Arkansas, except as regulated by other ordinances of the city of Stuttgart Municipal Code. (Ord. No. 1557, Sec. 3.)

11.52.05 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the mechanical code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the mechanical code adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to \$250.00. Each day that said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to \$250.00 per day. (Ord. No. 1557, Sec. 4.)

11.52.06 Severance All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. The provisions of this ordinance are hereby declared to be severable, and if any provisions shall for any reason be illegal or invalid, such holding shall not effect the validity of the remainder of this ordinance. (Ord. No. 1557, Sec. 5.)

11.52.07 Inspection and Review Board Add two (2) HVAC contractors to Inspection and Review Board. (Ord. No. 1557, Sec. 6.)

## **CHAPTER 11.56**

### **FAIR HOUSING**

#### Sections:

- 11.56.01 Policy
- 11.56.02 Definitions
- 11.56.03 Unlawful practice
- 11.56.04 Discrimination in the sale or rental of housing
- 11.56.05 Discrimination in the financing of housing
- 11.56.06 Discrimination in the provision of brokerage services
- 11.56.07 Exemption
- 11.56.08 Administration
- 11.56.09 Education and conciliation
- 11.56.10 Enforcement

- 11.56.11 Investigations; subpoenas, giving of evidence
- 11.56.12 Enforcement by private persons

11.56.01 Policy It is the policy of the city of Stuttgart to provide within constitutional limitations for fair housing throughout its jurisdiction. (Ord. No. 1849, Sec. 1.)

11.56.02 Definitions

**Discriminatory housing practice** means an act that is unlawful under 11.56.04, 11.56.05 or 11.56.06.

**Dwelling** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

**Family** includes a single individual.

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

**To rent** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Ord. No. 1849, Sec. 2.)

11.56.03 Unlawful practice Subject to the provisions of Sub-section (B) and 11.56.07, the prohibitions against discrimination in the sale or rental of housing set forth in 11.56.04 shall apply:

- A. All dwellings except as exempted by Sub-section (B).
- B. Nothing in 11.56.04 shall apply to
  - 1. Any single-family house sold or rented by an owner:
    - a. Provided, that such private individual owner does not own more than three (3) such single-family houses at any one time;
    - b. Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period;



- c. Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time;
  - d. Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented
    - (1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and
    - (2) Without the publication, posting or mailing after notice of any advertisement or written notice in violation of 11.56.04(C) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.
- C. For the purposes of Sub-section (B), a person shall be deemed to be in the business of selling or renting dwellings if
- 1. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - 2. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - 3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. No. 1849, Sec. 3.)

11.56.04 Discrimination in the sale or rental of housing As made applicable by 11.56.03 and except as exempted by 11.56.03(B) and 11.56.07, it is unlawful

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise, make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin.
- C. To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.  
(Ord. No. 1849, Sec. 4.)

11.56.05 Discrimination in the financing of housing It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in 11.56.03(B). (Ord. No. 1849, Sec. 5.)

11.56.06 Discrimination in the provision of brokerage services It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. No. 1849, Sec. 6.)

11.56.07 Exemption Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. No. 1849, Sec. 7.)

11.56.08 Administration

- A. The authority and responsibility for administering this act shall be in the Chief Executive Officer of the city of Stuttgart.
- B. The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The Chief Executive Officer shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.
- C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer to further such purposes. (Ord. No. 1849, Sec. 6.)

11.56.09 Education and conciliation Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. No. 1849, Sec. 7.)

11.56.10 Enforcement

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter “person aggrieved”) may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or is/was about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (C), the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year.
- B. A complaint under Sub-section (A) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If within thirty (30) days after a complaint is filed with the Chief Executive Officer, he/she has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in filing.
- D. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the

respondent named in the complaint, to enforce the rights granted or protected by this ordinance insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

- E. In proceedings brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. No. 1849, Sec. 10.)

#### 11.56.11 Investigations, subpoenas, giving of evidence

- A. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation, provided however that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.
- B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

- D. Within five (5) days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or person at whose requires is was issued may petition for enforcement in the District or State Court for the district in which the person to whom the subpoena was addressed resides, was served, etc.
- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence if in this power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year or both.
- G. The Grantee's Attorney shall conduct all litigation in which the Chief Executive Officer participates as a part or as amicus pursuant to this ordinance. (Ord. No. 1849, Sec. 11.)

11.56.12 Enforcement by private persons

- A. The rights granted by 11.56.03, 11.56.04, 11.56.05 and 11.56.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred, provided, however, that the court shall continue such civil case brought pursuant to this section or 11.56.10(D) from time to time before bringing it to trial or renting dwellings; or

- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
1. Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in Subsection 15(A), or
  2. Affording another person or class of persons opportunity or protection to participate; or
  3. Any citizen because he is/has been or in order to discourage such or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in Subsection 15(A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned not more than one (1) year, or both; and if bodily injury results shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. No. 1849, Sec. 12.)

## **CHAPTER 11.60**

### **ENERGY CODE**

#### **Sections:**

11.60.01      Adopted

11.60.01 Adopted There is hereby adopted by the City Council of Stuttgart, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this Code known as the 2014 Arkansas Energy Code, being particularly the 2014 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2014 Arkansas Energy Code, have been and now are filed in the office of the Clerk of the city of Stuttgart, Arkansas, and the same ordinance is hereby adopted and Incorporated as fully as If set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of Stuttgart, Arkansas.(Ord. No. 1904, Sec. 1.)