

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Standard Codes
- 11.12 Plumbing Code
- 11.16 Fair Housing Code
- 11.20 Mobile Homes
- 11.24 Condemnation of Structures
- 11.28 Unsafe Buildings or Structures
- 11.32 Energy Code

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Schedule of fees

11.04.01 Schedule of fees The Planning and Zoning permit fees are amended to reflect the following fee schedule:

Conditional use permit	\$50*
Re-zoning	\$50*
Appeal	\$25
Variance	\$50
Certificate of Occupancy	\$50
Sketch Plat	\$0
Preliminary Plat	\$150**
Final Plat	\$100**
Lot/split or minor subdivision	\$50
Large scale development/site plan	\$100**
Subdivision variance	\$0

Wireless Communication Facility \$65
 Signs, fences, portable buildings \$25

*Plus actual cost of publication Public hearing required on these items. Cost of publication is charged to applicant after invoices are received.

**Plus engineering review Review is required for all submittals with street, drainage or utility improvements. Person submitting is required to provide a cost estimate of all drainage, street, and utility improvements including itemized material costs and labor. Fee set at 1% of estimated costs of improvements (Min. \$100, max, \$3,000)

BUILDING PERMIT FEES

RESIDENTIAL

COMMERCIAL

Building permit fee for new construction/
 addition/remodel

.003 of \$ value
 (\$60 x h/c sq. ft.)
 (\$1,000,000 cap)

.003 of \$ value
 (\$80 x h/c sq. ft.)
 No cap

Ancillary permits for above category
 (Plumbing, electrical, HVAC)

25% building permit
 fee (each)

15% building permit
 fee (each)

State construction surcharge
 (Charge on all commercial permits,
 signs included)

\$0

\$.50 per \$1,000
 (Max \$1,000)

INDIVIDUAL PERMITS***

Swimming pool (plumbing and electrical
 will be separate permits)

\$50

\$50

HVAC

\$50 per unit

\$50 per unit

Plumbing

\$50

\$50

Electrical

\$50

\$150

***Permit includes two inspections. An additional permit fee will be assessed for each additional inspection. (Ord. No. 625, Sec. 1.)

CHAPTER 11.08

STANDARD CODES

Sections:

- 11.08.01 Standard codes
- 11.08.02 Responsible official
- 11.08.03 Amendment to Mechanical Code
- 11.08.04 Energy Efficiency Standards

11.08.01 Standard codes

International Building Code – 2000 Volume II Building (based on the 2000 International Building Code)

Standard Amusement Device Code – 1985 or most recent edition.

International Residential Code for One and Two Family Dwellings – Volume III Residential (based on the International Residential Code)

Arkansas Fire Prevention Code 2002 Edition, Volume I Fire (based on the International Fire Code)

Standard Gas Code – 1995 Edition or most recent edition.

Arkansas Mechanical Code – 2003 Edition or most recent edition.

Arkansas Plumbing Code – 2003 Edition or most recent edition.

Standard Swimming Pool Code – 2002 Edition or most recent edition.

(Ord. No. 525, Sec. 1.)

11.08.02 Responsible official Within said codes, when reference is made to the duties of a certain official named therein, that designated official of the city of Lonoke who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code concerned. (Ord. No. 434, Sec. 1.)

11.08.03 Amendment to Mechanical Code

- A. The provisions of the Arkansas Mechanical Code – 2003 Edition or most recent edition as it pertains to the use of flex duct are amended as follows: Flex duct is allowed on lateral runs only, limited to six (6) foot in length.
- B. All other provisions of the Arkansas Mechanical Code – 2003 Edition or most recent edition adopted by the city of Lonoke shall remain in full force and effect. (Ord. No. 539, Sec. 1-2.)

11.08.04 Energy Efficiency Standards The Board of Directors hereby finds that it is in the best interests of the citizens of Lonoke to formally adopt the 1979 Arkansas Rules and Regulations for Energy Efficiency Standards for new building construction as adopted by the Arkansas Department of Energy. (Ord. No. 265, Sec. 1.)

CHAPTER 11.12

PLUMBING CODE

Sections:

11.12.01	Definition
11.12.02	State code
11.12.03	Inspection and supervision
11.12.04	Applications and permits
11.12.05	Bond
11.12.06	Street openings
11.12.07	Penalties

11.12.01 Definition Plumbing for the purposes of this ordinance is hereby defined as the definitions of Act 200 of 1951 of Arkansas and the Arkansas State Plumbing Code. (Ord. No. 189-B, Sec. 1.)

11.12.02 State code The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference, three certified copies of which shall be on file in the office of the City Clerk, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city of Lonoke, Arkansas, wherever water and/or sewage service originating from the Municipal Water and/or Sewer System is furnished. (Ord. No. 189-B, Sec. 2.)

11.12.03 Inspection and supervision

- A. There is hereby created the position of Plumbing Inspector or inspectors who shall be employed by the city of Lonoke, Arkansas.
- B. The Plumbing Inspector or inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- C. The Plumbing Inspector or inspectors shall not be directly connected in any way with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers.
- D. The Inspector shall receive as full compensation for his services, a salary designated by the city of Lonoke, Arkansas.

- E. It shall be the duty of the Plumbing Inspector or inspectors to enforce all provisions of this ordinance, and such Inspector or inspectors are hereby granted the authority to enter all buildings within or without the corporate limits of the city of Lonoke, Arkansas, when such buildings are connected, or to be connected to the Municipal Water and/or Sewage System.
- F. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- G. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliance with this ordinance and its adopted Plumbing Code, and to enforce changing of such installations that does not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law. (Ord. No. 189-B, Sec. 3.)

11.12.04 Applications and permits

- A. Before beginning any work in the city of Lonoke, Arkansas, the person installing or altering same, shall apply to the Plumbing Inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a home owner to install or alter plumbing in a single family residence, providing the home owner does the work himself and that such work shall meet the code requirements.
- B. All applications for permits shall be made on suitable forms provided. The applications shall be accompanied by fees in accordance with the following schedule:

Plumbing rough-in inspections	\$5.00
New or reconstructed sewer connection	\$5.00
Final certificate of inspector	\$5.00

An additional fee of \$5.00 shall be charged for each additional trip on the part of the Plumbing Inspector caused by the negligence of the plumber of not being ready for inspection or a return for inspection of a corrected installation. (Ord. No. 189-B, Sec. 4.)

11.12.05 Bond Every master plumber doing business in the city of Lonoke, Arkansas, shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No 189-B, Sec. 5.)

11.12.06 Street openings

- A. Openings to public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the openings at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. No. 189-B, Sec. 6.)

11.12.07 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day during which violation continues shall be a separate offense. (Ord. No. 189-B, Sec. 7.)

CHAPTER 11.16

FAIR HOUSING CODE

Sections:

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

11.16.01 Policy It is the policy of the city of Lonoke to provide, within constitutional limitations, for fair housing throughout its jurisdiction. (Ord. No. 591, Sec. 1.)

11.16.02 Definitions

Discriminatory housing practice means an act that is unlawful under 11.16.04, 11.15.05 or 11.16.06.

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. 591, Sec. 2.)

11.16.03 Unlawful practice Subject to the provisions of sub-section (B) and 11.16.07, the prohibitions against discrimination in the sale or rental of housing set forth in 11.16.04 shall apply.

- A. All dwellings except as exempted by sub-section (B).
- B. Nothing in 11.16.04 shall apply to
 - 1. Any single-family house sold or rented by an owner:
 - a. That such private individual owner does not own more than three (3) such single-family houses at any one time;
 - b. 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. 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. 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 sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(2) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of 11.16.04(C) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. For the purposes of 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 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 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. 591, Sec. 3.)

11.16.04 Discrimination in the sale or rental of housing As made applicable by 11.16.03 and except as exempted by 11.16.03(B) and 11.16.07, 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 indicated 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. 591, Sec. 4.)

11.16.05 Discrimination in the financing of housing It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a load 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 load 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 load 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 load 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 contain in 11.16.03(B). (Ord. No. 591, Sec. 5.)

11.16.06 Discrimination in the provision of brokerage services It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. No. 591, Sec. 6.)

11.16.07 Exemption Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by, or in conjunction with a religious organization, association, or society, from limiting the sale rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. No. 591, Sec. 7.)

11.16.08 Administration

- A. The authority and responsibility for administering this act shall be in the Chief Executive Officer of the city of Lonoke.
- 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 by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city/county, to board 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. 591, Sec. 8.)

11.16.09 Education and conciliation Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. No. 591, Sec. 9.)

11.16.10 Enforcement

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

Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or 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. 591, Sec. 10.)

11.16.11 Investigations, subpoenas, giving of evidence

- A. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.
- B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five (5) days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or person at whose request it 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 his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one 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 this 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 party or as amicus pursuant to this ordinance. (Ord. No. 591, Sec. 11.)

11.16.12 Enforcement by private persons

- A. The rights granted by 11.16.03, 11.16.04, 11.16.05 and 11.16.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or 11.16.10(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court: Provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this ordinance, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this ordinance shall not be affected.
- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than One Thousand Dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees. (Ord. No. 591, Sec. 12.)

11.16.13 Interference, coercion, or intimidation It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by 11.16.03, 11.16.04, 11.16.05 and 11.16.06. This section may be enforced by appropriate civil action. (Ord. No. 591, Sec. 13.)

11.16.14 Separability of provisions If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

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

- A. Any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings, or
- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - 1. Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in 11.16.15(A), or
 - 2. Affording another person or class of persons opportunity or protection so to participate, or
- C. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in 11.16.15(A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than one (1) year or both; and if bodily injury results shall be fined not more than Ten Thousand Dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. No. 591, Sec. 15.)

CHAPTER 11.20

MOBILE HOMES

Sections:

11.20.01	Trailer parks
11.20.02	Permit
11.20.03	Boundaries
11.20.04	Water and sewer connection
11.20.05	Updating present homes
11.20.06	Forms

11.20.01 Trailer parks The ordinance shall not apply to registered trailer parks. (Ord. No. 202, Sec. 1.)

11.20.02 Permit Mobile homes may be used for human habitation within the city of Lonoke after the owners thereof have applied for and obtained from the Building Committee a permit and after having made the required deposits and obtained the necessary connections for the use of the utilities. (Ord. No. 202, Sec. 2.)

11.20.03 Boundaries No mobile home may be located upon a lot or plot having less than 9,500 square feet land area and must be located on the land area in such a manner as to have a full 25 foot setback from the street and not be closer than 10 feet to any property line or plot line upon which it is located. (Ord. No. 202, Sec. 3.)

11.20.04 Water and sewer connection All mobile homes shall have a separate water line and sewer connection, the same as a dwelling, and the same connection fees and charges as are now fixed by ordinance for a dwelling are to be levied and collected from each mobile home and no individual, city employee, or other person shall make such connections until the required deposits have been made and the permission of the Building Committee has been obtained. (Ord. No. 202, Sec. 4.)

11.20.05 Updating present homes The mobile homes and trailers now located in the city limits not in compliance with this ordinance when moves shall not be replaced in violation of this ordinance. Those now located in the city of Lonoke which do not have separate connections for both water and sewer shall have sixty (60) days within which to make the said connections and in the event that the said connections are not made within sixty (60) days, the service will be continued on the primary connection to which they are not attached.

These connections must be made in compliance with the present ordinances pertaining to water and sewer connections. Any individual found to be in violation of this ordinance shall be subject to fine in a sum not to exceed Twenty-Five Dollars (\$25.00) per day for each day they

remain in violation hereof and each day shall constitute a separate offense. Any person who makes a connection to utilities, water, or sewer, without first making the deposits and otherwise complying with this ordinance, shall be subject to a fine upon conviction thereof in a sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).

In the event that a city employee is in violation of this ordinance and makes a connection for any individual or permits one to be made in violation of this ordinance and the other ordinances pertaining to connections to water and sewer services upon conviction thereof shall be suspended from subject to the above fine which may be withheld all funds then due the said employee. (Ord. No. 202, Sec. 5.)

11.20.06 Forms The Building Committee shall have the necessary forms prepared for this application and permits, which shall be maintained in the City Hall for the use of applicants. The permits must be approved by the entire Building Committee and contain the signature thereon. (Ord. No. 202, Sec. 6.)

CHAPTER 11.24

CONDEMNATION OF STRUCTURES

Sections:

11.24.01	Nuisance
11.24.02	Condemnation
11.24.03	Written notice to owner
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11.24.05	Notice of condemnation
11.24.06	Structure razed
11.24.07	Sale
11.24.08	Proceeds of sale
11.24.09	Lien
11.24.10	Fine
11.24.11	Legal action

11.24.01 Nuisance 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 Lonoke, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 575, Sec. 1.)

11.24.02 Condemnation 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. 575, Sec. 2.)

11.24.03 Written notice to owner

- A. Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien-holders), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building and/or structure to be a nuisance.
- B. Should the owner(s) and mortgagee(s) and/or lien-holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business. (Ord. No. 575, Sec. 3.)

11.24.04 Description of structure 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(s), if known, of the owner(s) and mortgagee(s) and/or lien holder(s) 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. 575, Sec. 4.)

11.24.05 Notice of condemnation 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(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) 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(s) and mortgagee(s) and/or lien holder(s) 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 of the condemnation. (Ord. No. 575, Sec. 5.)

11.24.06 Structure razed If the house, building and/or structure constituting a nuisance has not been torn down or 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, it will be torn down and/or removed by the City Code Enforcement Officer or his duly designated representative. (Ord. No. 575, Sec. 6.)

11.24.07 Sale The City Code Enforcement Officer 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 materials 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. 575, Sec. 7.)

11.24.08 Proceeds of sale All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from 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. 575, Sec. 8.)

11.24.09 Lien If the city has any net costs in removal of any house, building or structure, the city shall have a lien on the property as provided by A.C.A. 14-54-904 with said lien being enforceable pursuant to the terms thereof. (Ord. No. 575, Sec. 9.)

11.24.10 Fine A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) 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 continuing offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) per day; provided the notice as herein provided in 11.24.05 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. 575, Sec. 10.)

11.24.11 Legal action 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(s) and mortgagee(s) and/or lien-holder(s) 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 Circuit 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 One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of One Hundred Dollars (\$100.00) per day. (Ord. No. 575, Sec. 11.)

CHAPTER 11.28

UNSAFE BUILDINGS OR STRUCTURES

Sections:

11.28.01	Violation
11.28.02	Jurisdiction
11.28.03	Definitions
11.28.04	Penalty
11.28.05	Abatement notice and notice to vacate
11.28.06	Abatement by city
11.28.07	Vacating of building or structure
11.28.08	Removal of placard notice
11.28.09	Emergency abatement

11.28.01 Violation It shall be a violation of this article for any owner, as defined herein, to permit, allow to remain, fail to take action to demolish and/or remove or correct, or fail to board and secure any dangerous, dilapidated, substandard or unsafe building or structure as directed by the city pursuant to 11.28.05 and 11.28.06. (Ord. No. 431, Art. II, 2.1.)

11.28.02 Jurisdiction In every case in which any person shall be prosecuted and found guilty of a violation of any of the provisions of this article or any other ordinance of the city in relation to nuisances, it shall be competent for, and shall be the duty of the District Court, if the circumstances of the case require it, to make an order requiring the removal, abatement or discontinuance of the nuisance shown in such case, and to order and direct that if within a reasonable and given time therein named, the same shall not be removed, abated, or discontinued by the person or persons proceeded against therefore, such nuisance shall be abated or removed by the city employee designated by the Mayor with such assistance as he may deem necessary to call to this aid for that purpose, and in case the person proceeded against shall be responsible for all the costs and expenses incurred for the removal or abatement of such nuisance by the city. (Ord. No. 431, Art. II, 2.2)

11.28.03 Definitions The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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

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

Dilapidated building or structure means a building, structure, dwelling, dwelling unit, multiple dwelling, apartment, apartment house including a garage, shed, and similar accessory structure, which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, is unsafe, unsanitary, or which constitute a fire hazard, or is otherwise dangerous to human life and are not longer adequate for the purpose for which they were originally intended.

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

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

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

Unsafe building or structure means a building or structure that is unsafe. All dwellings, apartment houses, rooming houses or buildings or structures, used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. (Ord. No. 431, Art. II, Sec. 2.3)

11.28.04 Penalty Any person convicted of a violation of any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than One Hundred Dollars (\$100.00) per day per violation from the date of citation. This penalty shall be in addition to any other remedies and/or sanctions available to the city and set forth herein elsewhere. (Ord. No. 431, Art. II, Sec. 2.4)

11.28.05 Abatement notice and notice to vacate

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

- B. Service of the notice shall be as follows:
1. By delivery to the owner personally, or by leaving the notice at the usual place of abode or the owner with a responsible adult; or
 2. By depositing the notice in the United States Post Office addressed to the owner at his last known address by certified mail, return receipt requested, with postage prepaid thereon;
 3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated or repaired. (Ord. No. 431, Art. II, Sec. 2.5)

11.28.06 Abatement by city

- A. If the owner, agent or person in control of premises subject to a notice served pursuant to this article cannot be found within the stated time limit, or if the owner, agent or person in control fails, neglects, or refuses to comply with the notice to repair, rehabilitate, secure, or demolish and remove the building or structure the city, after having ascertained the cost, may cause such building or structure to be abated, demolished or secured. The city shall require that the building or structure remain vacant during the pendency of the action or until the nuisance is abated.
- B. Expenses incurred by the city under this section shall be charged to the owner of the premises involved and shall be collected. (Ord. No. 431, Art. II, Sec. 2.6)

11.28.07 Vacating of building or structure

- A. Any building or structure that has been ordered to be vacated under this article shall be vacated within thirty (30) days after notice to do so has been given to the owner or occupant of the building or structure.
- B. No building or structure that has been ordered vacated pursuant to this article and so placard shall be for human habitation without the approval of the city and after unfit placard is removed by the city. The city shall remove such placard whenever the defect or defects upon which placarding action were based have been eliminated. (Ord. No. 431, Art. II, Sec. 2.7)

11.28.08 Removal of placard notice No person shall deface or remove a placard posted pursuant to this article unless authorized to do so. (Ord. No. 431, Art. II, Sec. 2.8)

11.28.09 Emergency abatement Any buildings, walls or party walls or any portions thereof, chimneys, or other structures in the city that from fire, excavation, improper erection or construction, or from any other cause, which at any time become unsafe or dangerous to life or limb, shall be razed and removed, or made secure by the city, if within twenty-four (24) hours from the time of serving notice, the owner of record fails to commence rehabilitation of or removal of the same and if within seventy-two (72) hours, the owner of record, shall fail to complete the removal.

The city shall place and enforce a lien upon the premises for expenses incurred by the city. (Ord. No. 431, Art. II, Sec. 2.9)

CHAPTER 11.32

ENERGY CODE

Sections:

11.32.01 Adoption

11.32.01 Adopted There is hereby adopted by the City Council of Lonoke, 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 or Recorder of the City of Lonoke, 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 provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of Lonoke, Arkansas.

(Ord. No. 737, Sec. 1.)