

**ORDINANCE NO. 2009-08**

**AN ORDINANCE TO ESTABLISH AND ENFORCE  
COMPREHENSIVE REGULATIONS, GUIDELINES AND  
STANDARDS FOR THE PERMITTING AND INSPECTION OF ALL  
CONSTRUCTION PROJECTS WITHIN THE CITY OF CLINTON  
AND PROVIDING PENALTIES FOR VIOLATIONS AND FOR  
OTHER PURPOSES**

**WHEREAS**, the City of Clinton has embarked on a program to continuously update its zoning ordinances and its residential and commercial construction codes; and,

**WHEREAS**, the City of Clinton is in need of the ability to regulate, permit, inspect and enforce its zoning ordinances and construction codes; and,

**WHEREAS**, the City of Clinton has determined that it is in the best interest of City residents and other property owners to continue a policy of strong progress towards maintaining high standards for zoning and high standards for all residential, commercial and public works construction of whatsoever kind to provide for public health, safety and welfare:

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**SECTION 1.** This Ordinance applies to all construction of whatsoever kind, whether commercial, residential, general or otherwise, within the city limits of the City of Clinton. This Ordinance is also intended to supplement and strengthen all other applicable City Ordinances and is to be construed liberally under the well settled maxim of common law that all acts passed upon the same subject are in pari materia and must be taken and construed together and made to stand if capable of being reconciled.

**SECTION 2.** All persons or entities acting, as contractors without limitation must comply with the requirements of this Ordinance. Failure to comply with this Ordinance shall be a misdemeanor and violators shall be subject to enforcement as provided in Section Nine (9) below.

**SECTION 3.** This Ordinance applies to Residential Construction as per Arkansas State Code, but in all cases any construction or remodeling either by licensed contractor or private individual must be permitted according to city ordinance, and all work requires inspections and must be performed to the current code in force for the city of Clinton. Inspections are required on all projects at various stages of construction prior to any foundation installed thru the completed project, with a certificate or completion issued before final project is placed in use.

**SECTION 4.** Prior to engaging in any construction project within the City of Clinton, all persons, entities or other business association(s) must first obtain a permit from the City through the Zoning Official to engage in such activity. In making and application for a permit to engage in construction within the City, the applicant must furnish to the City the following material, as they may be applicable to the proposal project:

- a.** A full set of plans that includes all phases of the proposed construction including, but not limited to, engineering drawings, landscaping plans, materials specifications, floor plans if applicable, grading and elevations, and all other aspects of the proposed construction without limitation. The Clinton City Zoning Official shall determine what additional documents of plans may be needed on a case-by-case basis.
- b.** A full and complete set of engineering drawings and diagrams for any public works project such as street or highway construction, repairs or upgrades, pipe line installations, repairs or upgrades; broadcasting towers, cell phone towers and each and every other project of whatsoever kind and without limitation., any street, curb, sidewalk, utilities and other upgrades without limitation must meet or exceed current standards or as may be required by the respective Department of the City of Clinton.
- c.** A detailed parking plan whether exposed or enclosed.
- d.** A detailed plan for drainage systems, retaining wall or fencing whether new, rebuilt or remodeled.
- e.** A detailed plan or drawings for any electrical work to be done, whether new, rebuilt or remodeled.
- f.** A detailed plan required for compliance with all other applicable building or construction codes, including but not limited to plumbing, electrical fire or other code applicable to the proposed work.
- g.** A detailed plan for placement of all fire hydrants as well as for compliances with required fire and health and safety equipment required by the City or the State including but not limited to fire doors, exit signs, panic hardware and emergency lighting.
- h.** Any other detail required by the City Zoning Official, City ordinances, International Building Code or Arkansas State Codes required or adopted by the City of Clinton.
- i.** All plans, drawings, diagrams, or other written specifications shall be prepared by a licensed architect or architectural firm unless such requirement

is waived or modified by the Clinton Zoning Official as in small projects. Provided, however, something adequately detailing the propose project must be included in any application for a permit for any project of whatsoever kind.

**SECTION 5.** All persons or entities acting as residential contractors without limitation must provide in favor of the City of Clinton in the amount of not less than twenty five thousand (\$25,000), a copy of the state contractor's license, proof of workers compensations insurance as may be required in order to maintain the current state contractor(s) license. These filings must be kept current as a prerequisite for being allowed to be a contractor within the City of Clinton. Commercial contractors and all other contractors' bond amounts shall be for the full cost of the project, if the project cost totals more than twenty thousand dollars (\$20,000), and shall remain for one (1) year following completion as provided herein.

**SECTION 6.** Upon completion of the work, including satisfactory corrective work as described in any punch list, the City will issue a letter of acceptance to the license contractor(s), if applicable to the owner, or other person or entity accepting the construction work performed contingent upon receipt of the following:

- a. One year maintenance bond. Upon completion of the work the commercial and general contractors shall deliver to the City a maintenance bond in the amount of one hundred percent (100%) of the actual cost of all public work or improvements of whatsoever kind. The bond shall be made payable to the City of Clinton and its date shall coincide with the date on the letter of acceptance and run for a term of one year thereafter. In the event the contractor shall fail, neglect or refuse to make corrections to any defective work, defective materials, improper installation or other full or partial failure of any kind attributable to the contractor the bond will be used to hire a contractor to make corrections and to pay for the City's costs, expenses and legal fees associated with the corrective work. This Section is to be read together with any other applicable section of the Ordinances of the City of Clinton.
- b. A full and complete set of "as constructed" drawings and specifications.
- c. Legible copies of all testing results and reports.
- d. All originals of operations and maintenance data, instructions, manuals or other original manufacturing information and data that were provided to the contractor or available for the owner(s) use.
- e. Written warranty and/or guarantee. On any public works project of any kind whatsoever before any letter of acceptance is issued, or final payment made, the commercial or general contractor shall provide the City or

the project owner with a written warranty and /or guarantee against defective work, faulty materials and/or workmanship valid for such term as may be required by the Zoning Official of the Zoning Commission. The said term may be on a project-by-project basis and shall not be less than one year. In the event of a claim for defects of any species whatsoever, or faulty workmanship of any kind the contractor shall respond in a timely manner, and shall perform all corrective work, replace all defective equipment or materials at no cost to the City of Clinton or owner.

**SECTION 7.** Inspection and release of bonds. Within thirty (30) days prior to the expiration of any bond, the City shall inspect the project for any deficiencies and notify the contractor of any corrective work or action that should be discovered and needed.

At the end of the bond period the City shall return the bond in full to the contractor providing it was not necessary that the bond be used for an independent contractor, or for the city to perform corrective work. The City will not hire an independent contractor and/or utilize the bond except in the case of an emergency or when the contractor fails, refuses or otherwise does not respond and/or complete any corrective work in a timely and professional manner. Any unused portion of the bonds will be returned.

**SECTION 8.** Enforcement and penalties. After the effective date of this Ordinance:

- a.** No documents may be accepted by the applicable recorder for recording unless approved by the Zoning Official and/or Zoning Commission.
- b.** The provisions of this ordinance shall be administered and enforced by the Zoning official, or by other designees appointed by competent authority.
- c.** No utility (public or privately owned) shall extend its facilities to service any area unless one of the following applies:
  - 1.** The extension is to an area where a service previously existed or extension of the new service is approved by the Zoning Official.
  - 2.** Installation of utilities is required before the project can receive approval for filing for record. In this event, the Zoning Commission will grant the utilities permission to extend facilities in accordance with the plans,

specifications and drawings hereinabove approved for this project.

**SECTION 9. Penalties.** An person or entity who shall violate any of the provisions of this Ordinance of fails to comply with any Order therewith or with any of the requirements thereof, shall be guilty of a misdemeanor and be punished by a fine of not more that five hundred dollars (\$500.00) for each day of the violation following final warning or notice thereof. Each day such violation is permitted to exist shall constitute a separate offense. The City of Clinton, or owner(s) of any property or premises or part thereof where anything in violation of this Ordinance shall be placed, allowed, or suffered to exist, or shall exist, and any engineer, contractor, agent person or other entity employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of separate offense and upon conviction thereof shall be fined as provided herein.

**PASSED:** May 14, 2009

Roger L. Rorie  
Roger L. Rorie, Mayor

**ATTEST:**

Merl Eoff  
Merl Eoff, Recorder/Treasurer/Clerk, CMC

APPROVED AS TO FORM:  
Joseph B. Marshall



VAN BUREN COUNTY  
**DEMOCRAT**

PROOF OF PUBLICATION AND INVOICE FOR LEGAL ADVERTISING

Date: \_\_\_\_\_

Bill to: City of Clinton  
PO Box 470  
Clinton, AR 72031

REMIT PAYMENT TO:  
Central Arkansas Newspapers  
P.O. Box 428  
North Little Rock, AR 72115

Refer to invoice # 30389

AD COPY:

*See  
attached  
(page 8B of paper)*

Published on following dates:

6/18/09

TOTAL CHARGES: \$ 270.68

PROOF OF PUBLICATION  
STATE OF ARKANSAS  
COUNTY OF VAN BUREN

I do solemnly swear that I am an employee of Stephens Media dba the Van Buren County Democrat, a weekly newspaper printed and published in said County, State of Arkansas: That I was an employee of Stephens Media at and during the publication of the annexed legal advertising in the case of:

Ordinance 2009-08

pending in the \_\_\_\_\_ Court, in said County and at the dates of the several publications of said advertisement stated above, and that during said periods and at said dates said newspaper was printed and has a bona fide circulation in said County, and had a bona fide circulation therein for the period of more than one month before the date of the first publication of said advertisement, and that said advertisement was published in the regular weekly issue of said newspaper as stated above.

Curt L. Lovell  
Subscribed and sworn to before me this 18<sup>th</sup> day

of June 2009

Notary Public Tania D. Snead

My commission expires January 15, 2019

TANIA D. SNEAD  
PRAIRIE COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires January 15, 2019  
Commission No. 12369712





**LEGAL NOTICES**

entity who shall violate any of the provisions of this Ordinance or fails to comply with any Order therewith or with any of the requirements thereof, shall be guilty of a misdemeanor and be punished by a fine of not more than five hundred dollars (\$500.00) for each day of the violation following final warning or notice thereof. Each day such violation is permitted to exist shall constitute a separate offense. The City of Clinton, or owners of any property or premises or part thereof where anything in violation of this Ordinance shall be placed, allowed, or suffered to exist, or shall exist, and any engineer, contractor, agent person or other entity employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of separate offense and upon conviction thereof shall be fined as provided herein.

PASSED: \_\_\_\_\_  
Roger L. Forre, Mayor

ATTEST: \_\_\_\_\_  
Mert Eoff, Recorder/Treasurer/Clerk,

APPROVED AS TO FORM: \_\_\_\_\_  
Joseph B. Marshall

**LEGAL NOTICES**

**PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT AND 208 PERMIT NUMBER AR0047457, AFIN 71-00050**  
This is to give notice that the Permits Branch of the Water Division of the Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0622, proposes a draft renewal of the permit for which an application was received on 2/17/2009 for the following applicant under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act.

**LEGAL NOTICES**

208 of the federal Clean Water Act, ADEQ under provisions of Section adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan has been revised to change the NH3-N limit for the month of April to 5.6 mg/l and to add a year-round minimum required DO level of 2.0 mg/l.

**LEGAL NOTICES**

ADEQ's contact person for submitting written comments, requesting information regarding the draft permit, or obtaining a copy of the permit and the Statement of Basis is Loreta Feiber, P.E., at the above address and telephone number or by email at [Water-Draft-Permit-Comment@adeq.state.ar.us](mailto:Water-Draft-Permit-Comment@adeq.state.ar.us). For those with internet access, a copy of the proposed draft permit may be found on the ADEQ's website at: [http://www.adeq.state.ar.us/water/branch\\_permits/individual\\_permits/pn\\_pn\\_ernits/pnpermits.asp](http://www.adeq.state.ar.us/water/branch_permits/individual_permits/pn_pn_ernits/pnpermits.asp).

Applicant: Cadron Creek Cattfish House, 1152 Hwy 65, Bee Branch, AR 72013. Location: southwest corner of the junction of Highway 65 and Highway 92; Latitude: 35° 27' 03.24"; Longitude: 92° 23' 40.98" in Van Buren County, Arkansas. The discharge is into an unnamed tributary of Ward Creek, then to Ward Creek, then to Cove Creek, then to Cadron Creek, then to the Arkansas River in Segment 3D of the Arkansas River Basin.

The last day of the comment period is 30 days after the publication date. If the last day of the comment period is a Saturday, Sunday or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday or legal holiday. The permit will become effective approximately two weeks after the close of the comment period unless comments are received on the 208 Plan, developed by the



and/or a public hearing is requested prior to the close of the comment period requiring a delay of the effective date. Comments and public hearing procedures may be found at 40 CFR Parts 124.10 through 124.12 and APCEC Regulation No. 8. All persons, including the permittee, who wish to comment on ADEQ's draft permitting decision must submit written comments to ADEQ, along with their name and mailing address. After the public comment period, and public hearing, if one is held, ADEQ will issue a final permitting decision. A public hearing will be held when ADEQ finds a significant degree of public interest. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APCEC Regulation No. 8 (Administrative Procedures).