

**ORDINANCE NO. 23-23**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers City Council finds it to be in the best interest of the City to update the provisions governing buildings and buildings regulations found in Chapter 10 of its Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: Chapter 10, Article II, Sec. 10-36 of the City of Rogers, Code of Ordinances is hereby deleted and the Municode Corporation is hereby instructed to delete that section;

Section 2: Chapter 10 of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit “A” and the Municode Corporation is hereby instructed to make those revisions;

Section 3: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this 25<sup>th</sup> day of July, 2023.

APPROVED:

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C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Fire Chief

Prepared by: John M. Pesek, Senior Staff Attorney

This publication was paid for by the City of Rogers, Office of the City Clerk, in the amount of \$\_\_(TBD by newspaper)\_\_\_\_\_.

## Chapter 10 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 10-2. Numbering of buildings.

- (a) Each property containing a principal building, structure or residence within the corporate limits of the city shall bear numerals indicating the street number for each principal building, structure, or residence visible from the street upon which the property fronts. The numerals shall be posted in such a manner as to be visible from a distance of not less than 100 feet. (See Sec. 20-144, F505.1)
- (b) It shall be the duty of the owner of each principal building, structure, or residence to post numerals indicating the street number on his property.
- (c) Noncompliance with section 10-2 is a violation of the City Code.

(Code 1982, § 47-1; Code 1997, § 18-2; Ord. No. 15-95, § 1(Exh. A), 7-14-2015)

### ARTICLE II. BUILDING CODE

#### Sec. 10-31. Building code adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Building Code, ~~2012 Edition~~ **most recently adopted within the Arkansas Fire Prevention Code**, complete with appendices ~~B, C, D, E, F, G, H, and I, and K,~~ including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, ~~three copies one copy~~ of which ~~are is~~ on file in the office of the Rogers Clerk-Treasurer.

(Code 1982, § 47-36; Code 1997, § 18-31; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-56, § 1(a), 7-23-2002; Ord. No. 02-47, § 1, 8-27-2002; Ord. No. 08-105, § 1, 8-26-2008; Ord. No. 14-14, § 1, 3-25-2014; Ord. No. 15-07, § 1, 1-13-2015; Ord. No. 15-95, § 1(Exh. A), 7-14-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

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<sup>1</sup>Editor's note(s)—Ord. No. 15-95, § 1(Exh. A), adopted July 14, 2015, amended Ch. 10 in its entirety to read as herein set out. The former Ch. 10 pertained to similar subject matter. See also the Code Comparative Table for a detailed analysis.

State law reference(s)—Authority of city to regulate construction, alteration and repair of buildings, A.C.A. § 14-56-201; contractors, A.C.A. § 17-25-101 et seq.

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## Sec. 10-32. Residential code adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Residential Code, **2012 Edition most recently adopted within the Arkansas Fire Prevention Code**, complete with appendices **D, E, H, J, K, and M, AE, AH, AJ, AO, and AQ**, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, **three copies one copy** of which **are is** on file in the office of the Rogers Clerk-Treasurer.

(Code 1997, § 18-31.5; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-47, § 1(b), 7-23-2002; Ord. No. 08-104, § 1, 8-26-2008; Ord. No. 14-15, § 1, 3-25-2014; Ord. No. 15-08, § 1, 1-13-2015; Ord. No. 15-95, § 1(Exh. A), 7-14-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

## Sec. 10-33. Amendments; modified.

1. The following amendments are hereby adopted and incorporated within the **2012 most recently adopted version of the** International Building Code **within the Arkansas Fire Prevention Code**:

**[A] 101.4.4 Property Maintenance**

Insert: The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants, and occupancy of existing premises and structures.

(Ord. No. 16-91, § 1(Exh. A), 10-25-2016)

2. **[A] 101.4.7 Existing Buildings**

Insert: The provisions of the International Existing Building Code shall apply to existing structures and premises which are altered, as defined in the Code.

3. **[R] 3109.1 Swimming Pools and Spas**

Insert: The provisions of the International Swimming Pool and Spa Code shall apply to swimming pools and spas installed partly or wholly under grade.

## **ARTICLE III. ELECTRICITY<sup>2</sup>**

### **DIVISION 2. ELECTRICAL CODE**

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<sup>2</sup>State law reference(s)—Electricians, A.C.A. § 17-28-101 et seq.; jurisdiction of cities over utilities, A.C.A. § 14-200-101 et seq.; Arkansas Electrical Code Authority Act, A.C.A. § 20-31-101 et seq.

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## **Sec. 10-105. Adopted.**

There is hereby adopted by reference as fully as though set out word-for-word verbatim that certain published technical code known as the National Electrical Code, as adopted and published by the National Fire Protection Association and as adopted in sections 10-31 and 10-32 of this Code. ~~Three copies One copy~~ of which ~~are is now and have been prior to the adoption of the ordinance from which this section is derived~~ on file in the office of the clerk-treasurer, ~~the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.~~

(Code 1982, § 47-116; Code 1997, § 18-126; Ord. No. 96-67, § 1, 11-12-1996; Ord. No. 00-41, § 3, 6-13-2000; Ord. No. 01-78, § 1, 12-11-2001; Ord. No. 06-01, § 1, 1-10-2006; Ord. No. 15-95, § 1(Exh. A), 7-14-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

## **ARTICLE V. PLUMBING CODE**

### ***DIVISION 2. PLUMBING<sup>3</sup>***

## **Sec. 10-220. Adopted; amendments.**

- (a) The Arkansas State Plumbing Code, as adopted in sections 10-31 and 10-32 of this Code, and as published by the International Code Council for the Arkansas State Health Department to include appendices B, C, D, E, F, G, H, I, J, and K, with amendments to section 106.6.1 in subsection (b) of this section. ~~Three copies One copy~~ of which ~~are is now and have been prior to the adoption of the ordinance from which this section is derived~~ on file in the office of the clerk-treasurer, ~~the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.~~

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<sup>3</sup>State law reference(s)—Natural gas distribution systems, A.C.A. § 14-205-101 et seq.; plumbers, A.C.A. § 17-38-101 et seq.; training of plumbers, A.C.A. § 6-51-401 et seq.