

ORDINANCE NO. 2024-02-1114

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SECTION 155.01: FEES OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown has adopted regulations to establish land usage fees within the City which are codified in Section 155.01: Fees of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council of Tontitown that a need exists to amend Section 155.01: Fees in order to provide more appropriate and proportional for land usage fees and costs in the City of Tontitown, as set forth in the attached Exhibit "A"; and

WHEREAS, having reviewed the proposed amendment, the Tontitown City Council has determined that it is in the best interest and benefit of the community to amend Section 155.01: Fees of the Tontitown Municipal Code, as set forth in the attached Exhibit "A".

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

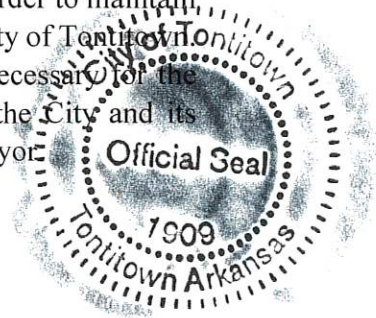
Section 1. Section 155.01: Fees of the Tontitown Municipal Code is hereby amended, as set forth in the attached Exhibit "A".

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 4. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5. Declaration of Emergency. It is hereby found and determined that Section 155: Fees of the Tontitown Municipal Code should be immediately amended in order to maintain compliance with state law and promote the efficient development of land in the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.



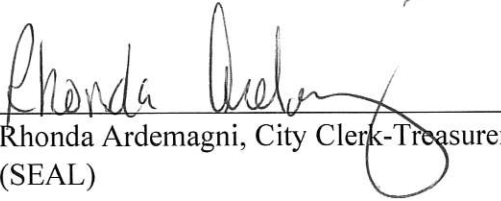
PASSED AND APPROVED this 18 day of June 2024.

APPROVED:

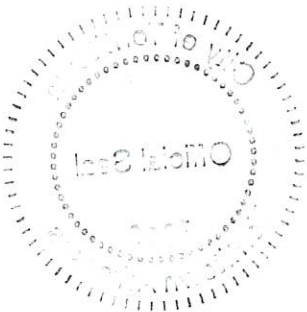


Angela Russell, Mayor

ATTEST:



Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)





§ 155.01 FEES.

- (A) *After hours/emergency inspection.* Thirty dollars (\$30.00) per hour, with a one-hour minimum.
- (B) *Appeal of a City Official decision.* Three hundred dollars (\$300.00).
- (C) *Appeal of Planning Commission decision.* Four hundred dollars (\$400.00).
- (D) *Certificate of occupancy.* Seventy-five dollars (\$75.00).
- (E) *Certificate of occupancy- change of use involving on-site inspection.* One hundred dollars (\$100.00). Certificate of occupancy for change of use involving on-site inspection, if no plans are required by the Building Official.
- (F) *Certificate of occupancy-partial.* Twenty-five dollars (\$25.00) for 30-day duration.
- (G) *Conditional use.* Two hundred dollars (\$200.00).
- (H) *Copies:*
- (1) Drainage manual (copies): \$100.00.
 - (2) Zoning regulations (copies): \$40.00.
 - (3) Subdivision regulations (copies): \$30.00.
 - (4) Storm water regulations (copies): \$30.00.
- (I) *Demolition permit.*
- (1) Demolition of any single-family residential structure: \$50.00.
 - (2) Demolition of multi-family residential, commercial, or industrial structure: \$50.00 plus 1% of job cost up to \$10,000.00 plus 0.5% of job cost up to \$10,001.00 to \$20,000.00 plus 0.25% of job cost up to \$20,001.00 and above.
- (J) *Fence permit.* Twenty-five dollars (\$25.00).
- (K) *Final plat/as-built plans (large scale development, subdivision and PUD).* Two hundred and fifty dollars (\$250.00) plus:
- Professional review fees and costs: For large scale development asbuilt plans and closeout, a nonrefundable fee of six hundred dollars (\$600). For Final Plat asbuilt plans and closeout, a nonrefundable fee of thirty dollars (\$30) per lot. In the event that professional review fees and costs exceed fee list above, the owners and/or developers shall reimburse the city for all additional expenses incurred.
- (L) *Grading permit.*
- (1) Grading permit for small sites (one acre or less): Fifty dollars (\$50.00).
 - (2) Grading permit for large sites (more than one acre): Fifty dollars (\$50.00) plus 1% of job cost up to \$10,000.00 plus 0.5% of job cost up to \$10,001.00 to \$20,000.00 plus 0.25% of job cost up to \$20,001.00 and above.
- (M) *Home occupation permit.* Fifty dollars (\$50.00).

(N) *Informal plat (minor subdivision, incidental subdivision, administrative plat)*. Three hundred and fifty dollars (\$350).

(O) *Large scale development*. Five hundred dollars (\$500.00), plus:

Professional review fees and costs:

- a. For large scale developments under two acres, a nonrefundable fee of \$600.00
- b. For large scale developments two acres or greater, a nonrefundable fee of \$1,200.00
- c. In the event that professional review fees and costs exceed fees list above, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(P) *Lot splits*. Three hundred and fifty dollars (\$350).

(Q) *Moving permit*. Three hundred dollars (\$300.00). (Moving of building or structure. Additional highway permits may be required).

(R) *Outdoor food vendor*. Three hundred dollars (\$300.00).

(S) *Planned unit development*. Five hundred dollars (\$500.00), plus:

- (1) Professional review fees and costs: For PUDs, a nonrefundable fee of one hundred dollars (\$100) per lot. In the event that professional review fees and costs exceed fee list above, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(T) *Preliminary plat*. Five hundred dollars (\$500) up to ten lots, and an additional \$10.00 per each lot for preliminary plats containing more than ten lots, plus:

- (1) Professional review fees and costs:
For Preliminary Plats, a nonrefundable fee of one hundred dollars (\$100) per lot. In the event that professional review fees and costs exceed fee list above, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(U) *Professional review fees and costs*.

(1) For all development that does not have a specified non-refundable professional review fee (including, but not limited to lot splits, rezoning requests, waivers, variances, conditional use permits, grading permits), the non-refundable submittal fee adopted for that specific process, shall be used to cover the review of the development by the city and its contract professional staff.

(2) In the event that professional review fees and costs exceed the non refundable submittal fee amount, the owners and/or developer shall reimburse the city for all additional expenses incurred.

(V) *Road cut, jacking or boring permit*. Two hundred dollars (\$200.00).

(W) *Re-zoning request*. Four hundred dollars (\$400.00).

(X) *Re-plat*.

- (1) Five hundred dollars (\$500), plus:

Professional review fees and costs (applicable only to replats with more than five lots being replatted, and that require engineering review): For Re-Plats, a nonrefundable fee of one hundred dollars (\$100) per lot. In the event that professional review fees and costs exceed fee list above, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(Y) *Sign permit.* One hundred dollars (\$100.00) plus 1% of job cost up to \$5,000.00 plus 0.5% of job cost up to \$5,001.00 to \$10,000.00 plus 0.25% of job cost up to \$10,001.00 and above. Subject to surcharge detailed in § 155.02.

(1) Signs temporary in nature that are intended to be displayed for less than 30 days will not require permitting.

(2) Signs temporary in nature that will be displayed for greater than 30 days will be \$50.00.

(Z) *Solicitor/peddler permit.* Forty dollars (\$40.00).

(1) *Permit for principal peddler/solicitor.* No peddling or solicitation shall be conducted within the city without a principal permit being issued and fees shall be paid before any peddling or soliciting is conducted within the city. The permit shall expire on December 31 in the year the permit is issued. In addition to the principal's permit, the principal must also comply with the city's business license requirements under [Chapter 110](#). To obtain a permit, a representative of the principal shall provide a written, signed application stating:

(a) The name, address, telephone number, type of organization, and contact person for the principal applicant;

(b) The nature of the products or services involved;

(c) The proposed method of operation in the city; and

(d) A list of persons who will peddle or solicit in the city on behalf of the principal in the city.

(2) *Permit for agents of principal peddler/solicitor.* In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the city before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$5.00 for each agent assisting the principal peddler/solicitor. In applying for the permit, each applicant shall provide the same information as required by the principal peddler/solicitor found above.

(3) *Soliciting without a permit.* The penalty for violation of soliciting/peddling without a permit shall be punishable pursuant to § [116.99](#).

(4) *Exemptions.* Exemptions for this division are provided by § [116.03](#).

(AA) *Vacate permit.* One hundred twenty-five dollars (\$125.00).

(BB) *Variance/waiver request.* One hundred twenty-five dollars (\$125.00).

(CC) *Revisions of plats.* Each revised plat submitted shall be regarded as a new plat and shall be subject to the appropriate fees as required within this section.

(DD) *Transfer of fees.* Fees are not transferable or refundable. The Building Official reserves the right to apply prepaid fees to certain lot splits, sketch plans or plat revisions; provided that the revised portions of the lot splits, sketch plans or plats have not been reviewed prior to the submittal of the revision.

(EE) *Building permits.*

(1) *Building permit.* The city determines the valuation of a structure using the ICC Building Valuation Data Table. A copy of the table is available on the International Building Code's website at www.iccsafe.org/cs/techservices. The valuation table is updated every six months to provide an up-to-date "average" construction cost per square foot. For construction of new single family residential dwellings, the permit fee will be calculated based on heated square feet. Once the valuation is determined, the following table is used to calculate permit fees:

(a) Twenty-eight dollars and seventy-five cents (\$28.75) fee for any valuation of a structure that is \$3,000.00 or less.

(b) Twenty-eight dollars and seventy-five cents (\$28.75) fee for the first \$3,000.00 plus \$5.75 for each additional thousand or fraction thereof, to and including \$50,000.00, for any valuation of a structure that is from \$3,000.01 to \$50,000.00.

(c) Two hundred ninety-nine dollars (\$299.00) fee for the first \$50,000.00 plus \$4.60 for each additional thousand or fraction thereof, to and including \$100,000.00, for any valuation of a structure that is from \$50,000.01 to \$100,000.00.

(d) Five hundred twenty-nine dollars (\$529.00) fee for the first \$100,000.00 plus \$3.45 for each additional thousand or fraction thereof, to and including \$500,000.00, for any valuation of a structure that is from \$100,000.01 to \$500,000.00.

(e) One thousand, nine hundred nine dollars (\$1,909.00) fee for the first \$500,000.00 plus \$2.30 for each additional thousand or fraction thereof, for any valuation of a structure in excess of \$500,000.01.

(f) *Water and sewer tap and access fees.* Prior to the issuance of a building permit, all tap and access fees for the project site must be paid in full.

(g) *Residential single family building permit.* The purchase of a building permit for a residential single family home shall include the cost of all necessary permits to complete the construction as presented on the approved plans. Individual contractors must obtain permits for plumbing, electrical, mechanical and fence work. However, these permits will be issued at no charge if associated with a current building permit.

(h) *Permit box.* Ten dollars (\$10.00). All building permits (commercial or residential) shall require the purchase of a permit box.

(2) If work for which a permit is required by [Chapter 152](#), Subdivisions, is started or proceeded with, prior to obtaining said permit or other approvals required by ordinance, the fees specified herein and elsewhere in the Code of Ordinances shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying

with the requirements of [Chapter 152](#) and all applicable in the execution of the work, nor from any other penalties prescribed therein.

(3) *Plan checking fees.* When the valuation of the proposed construction is for a commercial use and exceeds \$1,000.00, and a plan is required to be submitted by the Code of Ordinances, a plan checking fee shall be paid to the Inspection Department at the time of submitting plans and specifications for checking. Residential plan checking fees apply to single-family dwellings with a valuation of \$500,000.00 or more. Said plan checking fee shall be equal to one-half of the building permit as set forth in the code.

(4) *Miscellaneous commercial permits.* Shell commercial structures will receive a final building permit upon approval of completion of the shell building and associated systems. Tenant improvement permits and interior remodeling permits will be issued based on the permit and plan checking fee schedule.

(5) *Miscellaneous residential and agricultural zoned accessory building permits.* Permit fees for sheds, pole barns, unattached garages and other like structures will be calculated using the following guidelines: for a structure without any utilities (plumbing, electrical or HVAC) consisting of pole type, wood or steel frame construction without a concrete floor, the permit fee shall be calculated at 25% of the square foot cost using the most current ICC building valuation data for utility group and VB construction type, not including the suggested 20% deduction for shell only buildings. Permit fees for structures with a concrete floor and wood or steel frame construction with no utilities shall be calculated at 35% of the ICC valuation using the same group and construction type. Permit fees for buildings with a concrete floor and wood or steel frame that include any utilities, (plumbing, electrical, HVAC) will be calculated at 45% of the ICC valuation.

(6) *Additions to commercial or residential buildings.* Fees for additions to commercial and residential buildings will be regarded as new construction for fee purposes.

(7) *Replacement inspection cards/boxes.* Inspection cards are required to be posted on site for most residential and commercial building projects. If it is required, the city provides a card with a permit box at the time the permit is issued. The cards must be present in order for the Building Inspector to complete an inspection. In the event that the inspection card is lost, a replacement card/box may be issued for a fee of \$50.00.

(8) *Subcontractor stickers.* Subcontractor stickers are issued at the time the subcontractor pulls the required permit. These stickers are to be placed on the permit box. Subcontractor stickers must be present in order for the Building Inspector to complete an inspection for that portion of the project. In the event that the subcontractor sticker is lost, a replacement sticker may be issued for a fee of \$25.00.

(FF) *Electrical permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% of job cost up to \$10,000.00 plus 0.5% of job cost up to \$10,001.00 to \$20,000.00 plus 0.25% of job cost up to \$20,001.00 and above.

(GG) *Extension of permit.* Fifty dollars (\$50.00) extension for 180-day duration.

(HH) *Mechanical permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% of job cost up to \$10,000.00 plus 0.5% of job cost up to \$10,001.00 to \$20,000.00 plus 0.25% of job cost up to \$20,001.00 and above.

(II) *Plumbing permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% of job cost up to \$10,000.00 plus 0.5% of job cost up to \$10,001.00 to \$20,000.00 plus 0.25% of job cost up to \$20,001.00 and above.

(JJ) *Re-inspection.* With the purchase of any permit, the first inspection will be free of charge. The first re-inspection will be \$55.00, and every subsequential re-inspection will double the amount of the previous fee with a maximum amount of \$220.00.

(KK) *Driveway Permit.* Seventy-five dollars (\$75.00).