

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
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CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Requirements
- 11.04.02 Purpose of ordinance
- 11.04.03 Compliance
- 11.04.04 Repealing Clause

11.04.01 Requirements Whenever any person, partnership, association, company, or corporation hereinafter referred to as "person" shall engage or hire anyone to engage in a residential or commercial building project or add-on project, that person shall comply with the following requirements:

- (a) All persons, partnerships, associations, companies and corporations shall complete the Application for Commercial Building Permit or Application for Residential Building Permit, whichever is applicable, and submit that application for a building permit to the Planning and Zoning Commission for consideration. A copy of the Application for Commercial Building Permit and Application for Residential Building Permit are attached hereto and shall be kept on file with the City Clerk.
- (b) All persons, partnerships, associations, companies and corporations engaged in a commercial or residential building project or add-on project and who is seeking

approval of a building permit through the Planning and Zoning Commission must provide a copy of the building permit application, any accompanying documents, and a comprehensive set of plans from the project architect or project engineer to the Pottsville Planning and Zoning Commission, Pottsville Fire Chief or Fire Marshall, and any local code enforcement representative.

- (c) The comprehensive plans set forth in Section 1(b), above, must adequately and completely set out building dimensions; proposed plumbing and electrical systems; heat and air systems; proposed capacity gas lines; and, fire hydrants. This is not an exhaustive list. These specifications must be received by the Planning and Zoning Commission, Pottsville Fire Chief or Fire Marshall, and any local code enforcement representative, no later than two weeks before the Planning and Zoning Commission meetings. Bringing the above documentation to City Hall two weeks before the Planning and Zoning Commission meeting DOES NOT comply with this Ordinance. The person seeking approval of a building permit application must provide the above information to Planning and Zoning Commission, Pottsville Fire Chief or Fire Marshall, and any local code enforcement representative.
- (d) Further, all residential and commercial building permit applicants must review and all comprehensive plans set forth in 1(b), above, must comply with all applicable provisions of the Electrical Code, Plumbing Code, Mechanical Code, Arkansas Architectural Act, National Life Safety Code, and Arkansas Fire Prevention Code adopted by the City Council and on file at City Hall for review and copying. (Ord. No. 2019-04, Sec. 1.)

11.04.02 Purpose of ordinance The purpose of requiring this Ordinance is to allow the Planning and Zoning Commission, Pottsville Fire Chief or Fire Marshall, and any local code enforcement representative the opportunity to adequately review all plans and to intelligently discuss the proposed plan at the Planning and Zoning Commission meeting before a building permit is issued. (Ord. No. 2019-04, Sec. 2.)

11.04.03 Compliance If the Planning and Zoning Commission decides that the person submitting the building permit application and accompanying documentation has not adequately set out the plans of the proposed building project or add-on projection per this Ordinance, or is not in compliance with any other Ordinance relating to the residential or commercial building project in the city limits, the Planning and Zoning Commission may continue the meeting until the builder adequately provides a comprehensive set of plans two weeks prior to any future Planning and Zoning Commission meeting to those previously set out in this Ordinance. (Ord. No. 2019-4, Sec. 3)

- (A) It shall be unlawful to commence the construction, reconstruction, moving demolition or structural alteration of any building until the Building Inspector has

issued a building permit for such work. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. All applications for residential and commercial building permits shall be accompanied by a plan in duplicate drawn to scale, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the administration of this Zoning Ordinance. All permit fees as required by the City's adopted Building Code shall be paid at the time of application.

- (B) If the work described in any building permit has not begun within ninety (90) days after the date of issuance thereof, the building permit shall expire. Upon expiration of the building permit, the Code Enforcement officer or authorized designee shall provide written notice thereof to the building permit applicant.
- (C) If the work described in the building permit has not been substantially completed within two (2) years of the date of issuance thereof, the building permit shall expire, unless the building project is a large-scale industrial project. Upon expiration of the building permit, the Code Enforcement officer or authorized designee shall provide written notice thereof to the building permit applicant, together with the notice that further work as described in the canceled permit shall not proceed unless a new building permit has been obtained. Building permits for large-scale industrial projects shall expire within 2 years of the date of issuance thereof, unless work has been substantially completed. Additionally, each recipient of a building permit may, prior to the expiration date thereof, request an extension of the building permit by making a request in writing to the Planning Commission. (Ord. No. ZO-2020-1, Sec. 1)

11.04.04 Repealing Clause

(A) Any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. (Ord. No. ZO-2020-1, Sec. 2)

CHAPTER 11.08

PLUMBING CODE

Sections:

11.08.01	Definition
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Application for permits
11.08.05	Bond
11.08.06	Street openings
11.08.07	Cross connections - Back flow
11.08.08	Penalties
11.08.09	Plumbing Permit Fees

11.08.01 Definition.

A. Plumbing means and includes:

1. All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems within a building and to a point from three (3) to five (5) feet outside of the building.
2. The construction and connection of any drain or waste pipe carrying domestic sewage from a point within three (3) to five (5) feet outside of the foundation walls of any building within the sewer service lateral or other disposal terminal, including the alteration of any such system, drain or waste pipe, except minor repairs to faucets, valves, pipes, appliances and removing of stoppages.
3. The water service piping from a point within three (3) to five (5) feet outside of the foundation walls of any building to the water meter or other water utility property or other terminal and the connecting of domestic hot water storage tanks, water softeners, and water heaters with the water supply system.
4. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement and to prevent with a margin of safety unequal air pressures of such forces as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building.
5. All plumbing fixtures, appliances, appurtenances or pipes used in the installation of gas.

B. Master Plumber.

A master plumber is any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

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A master plumber is any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

C. Journeyman Plumber.

A journeyman plumber is any person other than a master plumber who is engaged in the practical installation of plumbing.

D. Apprentice.

A plumber's apprentice is any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage. (Ord. No. 88-1, Sec. 1)

11.08.02 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 (3) certified copies of which shall be on file in the office of the City Clerk and shall extend over and govern the installation of all plumbing installed, altered, or repaired within or without the City of Pottsville, Arkansas, wherever water or sewage service is provided by the Municipal Water and Sewer System. (Ord. No. 88-1, Sec. 2)

11.08.03 Inspection and supervision.

A. There is hereby created the position of plumbing inspector or inspectors who shall be employed by the City of Pottsville, Arkansas.

B. The plumbing inspector or inspectors shall have experience in plumbing to the extent that enables the inspector 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 or corporation, directly or indirectly engaged in the business of plumbing or supplying plumbing supplies.

D. The inspector shall receive as full compensation for his services a salary designated by the City of Pottsville, 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 Pottsville, Arkansas, when such buildings are connected or are 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 documents.

G. it shall be the duty of the plumbing inspector to inspect and test all plumbing work for compliance with this ordinance and the adopted plumbing code, and to enforce correctly any installations that do not meet the stated city code requirements. It further shall be the inspector's duty to determine that all persons installing, altering or working on plumbing shall be qualified by State Law. (Ord. No. 88-1, Sec. 3)

11.08.04 Application for permits.

A. Before beginning any plumbing work inside or outside the City of Pottsville, Arkansas, on any building connected to or to be connected to the Municipal Waterworks and/or Sewer System, the master plumber or home owner installing, altering or working on same, shall apply to the plumbing inspector or other designated official to obtain a permit to do such work. Only master plumbers legally authorized to perform plumbing work may be issued permits except that a permit may be issued to a property owner to install or alter plumbing in a building owned and occupied by him as his home provided that such person performs the plumbing work himself and that such work shall meet the code requirements.

B. All applications for permits shall be made on suitable forms provided by the plumbing inspector. The application shall be accompanied by fees in accordance with the following schedule:

New Construction:

Plumbing Rough-In Inspections	\$10.00
Each Plumbing Fixture and/or Water and/or Waste Discharging Devices	\$.75
Final Inspection of Plumbing Inspector	\$7.50

Pre-Existing Construction:

New or Reconstructed Sewer Connection	\$7.50
Each Septic Tank System	\$7.50
Hot Water Heater, New or Replaced	\$7.50
Water Service or Connection	\$7.50

An additional fee of Twenty Dollars (\$20.00) shall be charged for each additional inspection performed by the plumbing inspector caused by the permit holder's not being ready for inspection after having requested the plumbing inspector to make an inspection or caused by the plumbing inspector's having to return for an additional inspection after having inspected plumbing work that was not correctly installed. (Ord. No. 88-1, Sec. 4)

11.08.05 Bond.

A. Every master plumber doing business in the City of Pottsville, 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. 88-1, Sec. 5)

11.08.06 Street openings.

A. All openings made in the 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 repaired and placed 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 persons or property.

D. Before opening any public street or alley, the permit holder shall obtain any permit and shall post any bond required by the city before opening such street or alley. (Ord. No. 88-1, Sec. 6)

11.08.07 Cross connections - Back flow.

A. The Water and Sewer Commission of the City of Pottsville, Arkansas, and the city plumbing inspector of the City of Pottsville, Arkansas, are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate to the purity or potability of the city water supply by requirements of the Arkansas State Plumbing Code and the Code and the regulations of the Arkansas State Board of not been complied with.

B. The Water and Sewer Commission of the City of Pottsville, Arkansas, and the city plumbing inspector of the City of Pottsville, Arkansas, are hereby authorized and directed to take such steps as are necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said

potential hazards, it shall be the duty of said Commission and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, this ordinance and the regulations of the Arkansas State Board of Health have been complied with. (Ord. No. 88-1, Sec. 7)

11.08.08 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 a violation continues shall be a separate offense. (Ord. No. 88-1, Sec. 8)

11.08.09 Plumbing Permit Fees All funds received by the City of Pottsville for plumbing permit fees shall be deposited into the general fund instead of the water & sewer account. (Ord. No. 2023-3, Sec. 1)

Chapter 11.12

ELECTRICAL CODE

Sections:

- 11.12.01 Adoption of electrical code
- 11.12.02 Appointment of the Electrical Inspector
- 11.12.03 Duties
- 11.12.04 Permits
- 11.12.05 Inspection
- 11.12.06 Standards
- 11.12.07 Licensing of electricians
- 11.12.08 Bond required
- 11.12.09 Qualification
- 11.12.10 Failure to comply
- 11.12.11 License to individual

11.12.01 Adoption of electrical code. There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electric code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and now are filed in the office of the Recorder/Treasurer of the city and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment of the Electrical Inspector. The Electrical Inspector officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the City Council.

11.12.03 Duties. He shall have the duty and is hereby authorized, empowered, and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the City and to cause all such wires, appliances, or apparatus to be placed, constructed, and guarded as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Permits. No installation, alteration, or removal shall be made in or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus, or heating devices nor alterations made thereto without a written permit therefor being first obtained from the city license issuing clerk by the person, firm, or corporation having direct charge of such installation, alteration or removal.

11.12.05 Inspection. Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power" appliance, or apparatus it shall be the duty of the person, firm or corporation having direct charge of such to notify the Electrical Inspector who shall, as early as possible, inspect such wiring, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances, and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motors, heating devices, and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards. All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed, however, the necessity, good service and said results often require larger sizes of wire, more branch circuits, and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Electrical Inspector supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction, and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.07 Licensing of electricians. Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall, before doing so, obtain a license therefor, the fee for which shall be \$25.00 per year which shall be paid into the city treasury before such license shall become effective.

11.12.08 Bond required. Every person, firm or corporation doing electrical business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand (\$1,000.00) Dollars to indemnify the city or any citizen for any damage caused by the failure of such person, firm, or corporation doing the electrical work to comply strictly with the provisions of this chapter.

11.12.09 Qualification. No license shall be issued until the party applying for same has given satisfactory evidence to the Electrical Inspector of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.10 Failure to comply. Any person, firm or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the Electrical Inspector within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the Electrical Inspector shall have authority, after due notice, to cut out electric current in the locality concerned.

11.12.11 License to individual. Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way or performing a service to the public generally.

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- 11.16.01 Adoption of fire prevention code
- 11.16.02 Enforcement
- 11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted.
- 11.16.04 Modifications
- 11.16.05 Appeals
- 11.16.06 Penalties

11.16.01 Adoption of fire prevention code. There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code of which code not less than three.(3) copies have been and now are filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality.

11.16.02 Enforcement. The code hereby adopted shall be enforced by the chief of the fire department of the Municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted. The limits referred to in section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in section 53 b of the

code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the Municipality as the Central Business District.
- B. Within 1500 feet of any dwelling structure in any built up area within the corporate limits of the municipality;

with the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquefied petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 5 of this ordinance.

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

11.16.05 Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.06 Penalties. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects

within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 11.20

HOUSING CODE

Sections:

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| 11.20.01 | Adoption of |
| 11.20.02 | Housing official |
| 11.20.03 | Board of appeals |
| 11.20.04 | Duties of housing official |
| 11.20.05 | Right of entry |

11.20.01 Adoption of. There is hereby adopted by the City Council that certain health and housing standards known as the Standard Housing Code of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling on all dwellings and premises within the city limits.

11.20.02 Housing official.

- A. The office of housing official is hereby created.
- B. The housing official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

11.20.03 Board of appeals. There is hereby created a board of housing appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council. The board shall act by a majority vote of the members present. Said board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the housing official in the enforcement of this chapter.

11.20.04 Duties of housing official. It shall be the duty of the housing official to enforce all laws and provisions specified in the herein adopted Standard Housing Code.

11.20.05 Right of entry. The housing official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building structure or premises at any reasonable hour.

Chapter 11.24

CONDEMNED STRUCTURES

Sections:

11.24.01	Unlawful
11.24.02	Condemnation required
11.24.03	Description of property, reason for condemnation
11.24.04	Notice
11.24.05	Removal
11.24.06	Duties of Mayor
11.24.07	Proceeds of sale
11.24.08	Enforcement of lien
11.24.09	Penalty
11.24.10	Judicial condemnation, penalty, previous sections applicable

11.24.01 Unlawful. That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Pottsville, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 84-1, Sec. 1)

11.24.02 Condemnation required. That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 84-1, Sec. 2)

11.24.03 Description of property, reason for condemnation. That the resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof, and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 84-1, Sec. 3)

11.24.04 Notice. After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner or owners thereof, if the whereabouts of said owner or owners thereof be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 84-1, Sec. 4)

11.24.05 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance will be torn down and/or removed by the Mayor or his duly designated representative. (Ord. No. 84-1, Sec. 5)

11.24.06 Duties of Mayor. The Mayor or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 84-1, Sec. 6)

11.24.07 Proceeds of sale. All the proceeds of the sale of any such house, building and or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the Recorder/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 Recorder/Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 84-1, Sec. 7)

11.24.08 Enforcement of 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 Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

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

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

located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the municipality by the county tax collector. (Ord. No. 84-2, Sec. 8)

11.24.09 Penalty. A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.28.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 84-2, Sec. 9)

11.24.10 Judicial condemnation, penalty, previous sections applicable. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or other person or persons referred to in Section 11.28.05 of this ordinance will take such action as provided in Section 11.28.06 hereof, and Section 11.28.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 84-2, Sec. 10)

Chapter 11.28

BUILDING CODE

Sections:

11.28.01	Adoption of building code
11.28.02	Establishment of office of Building Official
11.28.03	Qualifications of Building Official
11.28.04	Duties of the Building Official
11.28.05	Liability
11.28.06	Right of Entry
11.28.07	Definition
11.28.08	Fees
11.28.09	Call back fees

11.28.01 Adoption of building code. There is hereby adopted by the City Council of Pottsville, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code by known as the "Standard Building Code" of which not less than three (3) copies have been and now are filed in the office of the Recorder/Treasurer, and the same are 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.

11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby created.
- B. The Building official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building official.

11.28.03 Qualifications of Building Official. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alterations, removal and demolition.

11.28.04 Duties of Building Official.

A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

B. Inspections required under the provisions of the building code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

C. The Building official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.

E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.28.05 Liability. Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the City in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or Legal Representative of the City.

11.28.06 Right of entry. The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premise at any reasonable hour.

11.28.07 Definition. Whenever the term "Corporation Counsel" is used in the building code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Fees.

- A. Building permit schedule of fees for erecting or repairing a building or structure.
See (Ord. No. 2021-3, Exh. A)

\$1.00 per each additional \$1,000 or fraction. (Also add .0005% for the additional State Surcharge Fee. (Ord. No. 2021-3, Exh. A)

- B. Building permit schedule of fees for moving of building or structure.

For the moving of any building or structure, the fee should be Ten (\$10. 00) Dollars.

- C. Building permit schedule of fees for demolition of buildings or structures.

For the demolition of any building or structure, the fee should be Four (\$4.00) Dollars.

11.28.09 Call back fees. If any building or structure fails for any reason, to pass the Building official's inspection and the Building Official has to reinspect said building or structure, there will be an additional charge of Five (\$5.00) Dollars for each inspection; and any and all fees shall be paid by the person to whom the permit is issued.

CHAPTER 11.32

MOVING OF STRUCTURES

Sections:

- 11.32.01 Structure defined
- 11.32.02 Structure moving permit required
- 11.32.03 Application for permit
- 11.32.04 Permits to unlicensed applicants authorized
- 11.32.05 Fees
- 11.32.06 Compliance with building zoning, other ordinances
- 11.32.07 Moving over railway tracks
- 11.32.08 Consent to move overhead obstructions (i.e. wires, cables) required
- 11.32.09 Authority to require planking of streets
- 11.32.10 Notice of hearing
- 11.32.11 Public hearing
- 11.32.12 Permit conditions
- 11.32.13 Removal cleanup
- 11.32.14 Denial or permit – grounds
- 11.32.15 Bond damage to streets or property
- 11.32.16 Occupancy
- 11.32.17 Exemptions

11.32.01 Structure defined the term “structure” as used in this section means any house, building, or other structure ten (10) feet or more in width, which is moved from one location to another upon, across, over or near any street, avenue, alley, highway, sidewalk, or other public ground of the city. (Ord. No. 01-6, Sec. A.)

11.32.02 Structure moving permit required It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any structure in the city of Pottsville from one place to another upon the same lot, or from one place in the city to another place in the city not upon the same lot, or from outside the city into the city, or from inside the city to outside the city without first securing a Structure Moving Permit to do so from the city.

However, the designated agent of the Mayor may grant a building permit for a “portable” building if said buildings or structure meets the following criteria, and other requirements of this ordinance.

A portable building as used in this section of this ordinance shall mean any building or structure not designed for full time occupancy, with no sleeping quarters and no installed electrical wiring or receptacles and no plumbing facilities and so designed as to be transported after fabrication, arriving at the site of location as a fully assembled structure not more than 160 square feet in area and not more than sixteen (16) feet in its greatest dimension.

Such building shall be deemed an "Accessory Building" and will be subject to the conditions applying to uses in Article 5 Section 1 of this Zoning Ordinance. Such building shall further comply with all requirements set forth in this ordinance for the zoning district into which said building or structure is placed.

However, the Mayor and designated agent may grant a permit for up to 180 days to locate a temporary or portable building or office within the city of Pottsville. The application for such permit shall be made direct to designated agent and Mayor for approval and issuance of permit. (Ord. No. 01-6, Sec. B.)

11.32.03 Applications for permit All applications for a relocation permit to move any building shall be made in writing to the Building Code Enforcement Official, not less than thirty (30) days prior to the required public hearing, on a form furnished by said official, and shall contain the following information:

- A. Description of type of building or structure to be moved including dimensions (height, width, and length), principal construction materials of the structure's walls, floors and roof, etc.
- B. Present location of building or structure (physical address).
- C. Proposed location of building (including legal description of property and physical address).
- D. A plat plan of the lot or parcel on which the building or structure is to be located including dimensions and identifying the public way providing access to the land. the plat shall also indicate the location of the building or structure on the plan.
- E. A footing and foundation plan indicating the type, material and dimensions of all footings and foundation to be used to support the building or structure at the proposed location.
- F. Construction plans for any alterations in the building's framework or layout or new construction to be attached to the building or structure.

- G. Detailed description of present and future use of the building or structure.
- H. Description of route over which said building or structure is to be moved including identified obstructions such as overhead utility lines, bridges, etc., and contingency plans to deal with these obstructions.
- I. Name, license number, address, and telephone number of licensed and bonded mover to be used and method to be used in moving said building or structure.
- J. A certificate of liability insurance from an insurance company authorized to do business in the state stating that the licensed mover has a valid insurance policy covering general and contractual liability in an amount of not less than One Hundred Thousand Dollars (\$100,000) for bodily injury (including death) to each person and in an amount of not less than Three Hundred Thousand Dollars (\$300,000) for bodily injuries (including death) to all persons on account of one (1) accident, and in an amount of not less than Twenty-Five Thousand Dollars (\$25,000) for property damage for any one (1) person or Fifty Thousand Dollars (\$50,000) for property damage for an aggregate resulting from any one (1) accident; such certificate shall certify that the policy covers the contractual liability assumed by the mover in connection with the moving of structures as herein provided.
- K. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.
- L. A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.
- M. Names and addresses of all property owners surrounding the proposed location of building or structure.
- N. The day and hour of the day when the structure will first be moved into the limits of the public way and the approximate length of time the structure will be within said limits.
- O. List any railway tracks, if any will be crossed, their location, and the day and approximate hour when such crossing will be made.
- P. List and describe the location of any street structures which will be removed or interfered with, including sidewalks, curbing, fire hydrants, and street sign or signals.

- Q. Memos to Pottsville City Police and Fire Chiefs stating date, time and route of movement and requesting traffic control or alternate routes for emergency traffic.
- R. Such other information as may reasonably be required in order to carry out the purposes of this Section.

If, upon review of the application, the Building Code Enforcement Official, can reasonably determine that the building or structure meets requirements of a portable building as defined in this ordinance, then a building permit may be granted and no building moving fee will be charged. If this determination cannot be made by the Building code Enforcement Official, the application will be forwarded to the City Planning commission for action as set out in this ordinance for the moving of other buildings and structures. (Ord. No. 01-6, Sec. C.)

11.32.04 Permits to unlicensed applicants authorized The Building Code Enforcement Official may issue a Structure Moving Permit to persons, whether licensed or not, when the maximum width of such structure along the line of travel does not exceed fourteen (14) feet, and when they may be moved on rubber tired vehicles or trucks in such a manner as will not substantially interfere with traffic, damage any street structure, require removal of any overhead obstructions, or damage any street pavements or sidewalks. Before issuing such a permit the Building Code Enforcement Official shall designate the route to be followed and the date and time when such moving shall take place, and shall supervise the operation of moving thereof. (Ord. No. 01-6, Sec. D.)

11.32.05 Fees Before any application for a Structure Moving Permit is forwarded to the City Planning Commission, an application fee shall be paid by the applicant to the designated agent of the city of Pottsville to cover the cost of investigation and inspection. The application fee shall be Thirty-Five Dollars (\$35.00) for any building or structure located within the city of Pottsville.

The application fee shall be Thirty-Five Dollars (\$35.00) plus One Dollar (\$1.00) for each mile from Pottsville City Hall, or fraction thereof, when the building or structure to be moved is located beyond the city limits of the city of Pottsville. This application fee shall be in addition to all other fees required by the city code of the city of Pottsville.

Upon acceptance of any application for a Structure Moving Permit, the Planning Commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved. (Ord. No. 01-6, Sec. E.)

11.32.06 Compliance with building, zoning, other ordinances No Structure Moving Permit shall be issued unless the structure, if moved to a new location in the city, will comply with the zoning, building code and all other ordinances of the city. (Ord. No. 01-6, Sec. F.)

11.32.07 Moving over railway tracks No permit shall be issued for the moving of any structure across the tracks of any railway until the mover thereof shall have given the superintendent of such railway company not less than twenty-four (24) hours notice before such crossing of the tracks is to be made and satisfactory arrangements for such crossing have been made and the Building Code Enforcement Official advised in detail of such arrangements. (Ord. No. 01-6, Sec. G.)

11.32.08 Consent to move overhead obstructions (i.e. wires, cables) required No permit shall be issued for the moving of any structure which requires the removal of overhead obstructions (electric, telephone, cable TV wires or cables) until not less than twenty-four (24) hours notice has been given of the time and place such removal is desired and the consent of the responsible company has been secured for such removal and the Building Code Enforcement Official advised of such satisfactory arrangements. (Ord. No. 01-6, Sec. H.)

11.32.09 Authority to require planking of streets When in the judgment of the Building Code Enforcement Official it is necessary to protect streets or street improvements, the Building Code Enforcement Official may require the house mover to properly and adequately plank such streets and all rollers, trucks or other devices used in conveying and moving same shall run upon and rest upon such planks at all times. (Ord. No. 01-6, Sec. I.)

11.32.10 Notice of hearing The Planning Commission shall cause the applicant to post, fifteen (15) days prior to the date on which application for a permit is to be heard, a notice upon a sign upon the premise of which said structure is to be moved, which said notice shall contain the following:

1. The date on which the Planning Commission of Pottsville shall hold a public hearing on the application for a permit to move a structure.
2. Description of type of structure to be moved.
3. Present location of structure.
4. Proposed location of structure.

The sign shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line. The sign shall be provided by the Planning Department concurrent with the application.

The applicant must file a legal notice in regard to the structure moving which must run in a local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice must include the present location of the structure to be moved, the location (including legal description and address - if no address is available, a description clear to the average lay person will suffice), the type structure to be moved, the proposed use of the structure and the time, date and place of the public hearing.

The applicant must notify each property owner surrounding the proposed location of the building or structure by certified letter no later than fifteen (15) days prior to the public hearing of the purpose of the proposed Structure Moving Permit and the location, date and time of the public meeting to discuss the approval of the permit. Proof of receipt of the notification should be presented to the Planning Department prior to the public hearing. (Ord. No. 01-6, Sec. J.)

11.32.11 Public hearing At the time fixed in said notices to be posted as aforesaid, any person may appear before the Planning Commission of the city of Pottsville and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application permit, the Planning commission of Pottsville shall forward to the City Council of the city of Pottsville the original application, and the Planning Commission's findings and recommending the approval or disapproval of the application. The hearing of said application may be continued from time to time at said Planning Commission's discretion. On receipt of said recommendations, the Cit Council of the city of Pottsville may, in its discretion, either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council. (Ord. No. 01-6, Sec. K.)

11.32.12 Permit conditions No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which if it be a dwelling for habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the structure is to be relocated; or, if the proposed use is prohibited by any provision of the city code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may e issued on such terms and conditions as the building inspector may deem reasonable and proper including but not limited to the requirement of changes, alteration, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to the public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber, and other debris and the filling of basements, cellars, or other excavations remaining from the removal of the building or structure from the premises from which it is moved when such premises are within the city of Pottsville.

After a Structure Moving Permit is secured, a building permit must be sought and granted prior to movement of the building. (Ord. No. 01-6, Sec. L.)

11.32.13 Removal cleanup When a building or structure is moved from any property located in the city of Pottsville to any other location, the site from which the building is moved shall be cleaned up within ninety(90) days from time of building removal. All concrete, lumber, and other debris remaining from the removal of the building shall be removed and all basement, cellars, and other excavations shall be filled and leveled. Such work shall be performed by the person moving such building or structure. Any person, firm or corporation that fails to meet time requirements of cleanup of property shall be guilty of a misdemeanor and on conviction shall be fined no less than Twenty-Five (\$25.00). Each day that violation of this regulation is in effect shall constitute a separate offense and be subject to additional fines of Twenty-Five Dollars (\$25.00) per day. (Ord. No. 01-6, Sec. M.)

11.32.14 Denial or permit – grounds If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied. (Ord. No. 01-6, Sec. N.)

11.32.15 Bond damage to street or property In granting any permit, the Council will require applicant to give a bond to the city of Ottsville in an amount of Three Thousand Dollars (\$3,000) or greater to be fixed by said Council to ensure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building. (Ord. No. 01-6, Sec. O.)

11.32.16 Occupancy Prior to any occupancy of a relocated building or structure, the Building Code Enforcement Official must perform a through inspection to ensure the building or structure conforms to all code requirements of the city of Pottsville and that all requirements of the Building Moving Permit have been complied with. If any conditions are noted that do not conform to code requirements, a memo to the owner shall be prepared by the Building Code Enforcement Official stating the requirements not met and actions required to the requirements. If all requirements are met, a memo of certification will be prepared by the Building code Enforcement Officer stating that all requirements have been met and forward a copy to the owner or responsible party. (Ord. No. 01-6, Sec. P.)

11.32.17 Exemptions All buildings meeting the criteria for a portable building are exempt from the requirements of this article. However, all such buildings shall be required to obtain a building permit and all other required permits and undergo and pass all inspections as required by ordinances or rules, regulations or codes. (Ord. No. 2001-6, Sec. Q.)

CHAPTER 11.36

ENERGY CODE

Sections:

11.36.01 Adoption

11.36.01 Adoption There is here adopted by the City Council of Pottsville, 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 Pottsville, 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 Pottsville, Arkansas. (Ord. No. 2018-03, Sec. 1.)

CHAPTER 11.40

PROPERTY MAINTENANCE CODE

Sections:

- 11.40.01 Adopted**
- 11.40.02 Amendment to Prior Ordinances**
- 11.40.03 Copies of Code**
- 11.40.04 Board of Adjustment**
- 11.40.05 Means of Appeal**

11.40.01 Adopted The City Council for the City of Pottsville hereby adopts the 2021 Property Maintenance Code and any amendments thereto. (Ord. No. 2023-12, Sec. 1)

11.40.02 Amendment to Prior Ordinances This ordinance shall amend any and all prior ordinances, or parts thereof, that reference any prior version of the Property Maintenance Code. Prior ordinances that reference a property maintenance code shall hereby be amended to reflect the 2021 Property Maintenance Code and any amendments thereto, wherein said code is referenced. (Ord. No. 2023-12, Sec. 2)

11.40.03 Copies of Code The provisions and regulations of the 2021 Property Maintenance Code, and amendments thereto, are hereby made part of this ordinance by reference and three (3) copies of the code, and amendments thereto, shall be kept either electronically or by hard copy in the office of the Clerk for the City of Pottsville for inspection and view by the public. (Ord. No. 2023-12, Sec. 3)

11.40.04 Board of Adjustment Additionally, any and all references to the "Board of Appeals" in the 2021 Property Maintenance Code shall mean "Board of Adjustment". (Ord. No. 2023-12, Sec. 4)

11.40.05 Means of Appeal

(A) Administrative Appeal

Administrative determinations may be appealed to the Pottsville Board of Adjustment. The following actions are not subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:

1. Citation hearing in Pope County District Court, City of Pottsville, Criminal Divisions; and
2. Condemnations heard by the governing body or a court of law.

(B) Timely Submission of Appeal

Unless otherwise provided in the 2021 Property Maintenance Code or this Ordinance, any person affected by a "Notice of Violation" or other administrative determination under the Code may appeal the determination by submitting a written application to the Code Enforcement Officer within ten (10) days, excluding weekends and holidays, after the date the notice was personally served or posted, or from the date the notice was mailed. If no appeal is requested, it will be assumed that all elements of the notice are clearly understood and abatement action will proceed as directed.

(C) Contents of Appeal

A request for an administrative appeal must be made upon forms provided by the Pottsville Code Enforcement Officer or in any written form that contains the following information:

1. The date the appeal is submitted;
2. The name and address of applicant;
3. The address of the affected property;
4. A description of the administrative decision being appealed; and
5. The desire that the administrative decision be overturned or reviewed.

(D) Notice of Hearing

The Board of Adjustment shall consider the appeal at the next available date after the appeal is submitted by appellant. The applicant shall be provided notice, by the City, of the hearing by first class mail sent to the address shown on the request for administrative appeal no less than seven (7) days prior to the hearing.

(E) Actions Pending Appeal

No code enforcement officer may take action based upon an administrative decision while that decision is being appealed except for citations issued for non-administrative violations of the Code.

(F) Conduct of Hearing

Hearings shall be conducted in an open forum according to such procedural rules adopted by the Board of Adjustment. No administrative decision of a code enforcement officer may be overturned unless a determination is made that:

1. The true intent of this Code or the rules legally adopted there under have been incorrectly interpreted.
2. The provisions of this Code do not fully apply; or
3. The requirements of this Code are adequately satisfied by other means.

TITLE 12

(Pages 133-138 Intentionally Left Blank)