

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.06 Demolition and Moving of Structures
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building Code
- 11.32 Mechanical Code
- 11.36 Inspections and Fees
- 11.40 Stormwater/Erosion Control
- 11.44 Energy and Fuel Gas Code

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Building permits required
- 11.04.02 Building Official
- 11.04.03 Signs
- 11.04.04 Gas piping
- 11.04.05 Application
- 11.04.06 Issuance
- 11.04.07 Penalties

11.04.01 Building- permits required

- A. No building or structure shall be built, enlarged, altered or moved without permit from the Building Official, who may require a plan of the proposed work, together with a statement of their materials to be used.
- B. The Building Official shall inspect all buildings or structures during construction to see that the provisions of law are complied with and that construction is prosecuted safely. Whenever in his opinion, by reason of defective or illegal work in violation of a provision of this ordinance, the continuance of a building

operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

- C. When a building or structure or any portion thereof is found unsafe upon inspection by the Building Official, he shall order such building or structure or any portion down and removed. The term "unsafe" building or structure or portion thereof shall include any and all buildings or structures or portions thereof structurally unsafe, unstable, unsanitary, inadequately provided with facilities; constituting a fire hazard, unsuitable or improper for the use or occupancy to which they are put, constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment, or otherwise dangerous to life or property. (Ord. No. 18, Sec. I)

11.04.02 Building Official

- A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be hired by the Mayor subject to the approval of the City Council. His/her hiring, termination benefits and other emoluments of employment are covered by Chapter 2.52 of this code and by this code generally.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.
- D. Wages or pay for services rendered shall be determined from time to time by the City Council
- E. It shall be the duty of the Building Official to enforce all laws relating to construction, alteration, removal and demolition of buildings or structures, residential and commercial, including trailers, mobile homes modular homes.
- F. The Building 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 for purposes of performance of duties herein set forth. (Ord. No. 306, Sec. 3)

11.04.03 Signs Any sign or outdoor display structure which shall cause safety hazard by obstructing view of traffic (vehicular) or which may be or become dangerous or hazardous to life or property, health or unsightly and a detriment to public welfare shall on order of the Building Official be removed, relocated or made safe. (Ord. No. 18, Sec. VI)

11.04.04 Gas piping Piping for any and all types of gas used for fuel or lighting purposes in buildings and structures shall be installed to conform with nationally recognized standards of safety as to material and installation. (Ord. No. 18, Sec. VII)

11.04.05 Application The application for any building permit shall be made at Greenland City Hall, by the landowner, and all required information shall be provided to Clerk taking the application. Building permits for commercial and/or industrial buildings/structures will not be issued until compliance with 11.04.06. All building permit applications shall be in duplicate copy and contain as a minimum the following information:
(Ord. No. 196, Sec. 2.)

- A. Name, mailing address, and telephone number of the applicant.
- B. Type building to be constructed or repaired (as listed in Section 11.04.01)
- C. Location of the building site.
- D. Outside dimensions of the proposed building or addition.
- E. Construction materials to be used for the foundation, floor, and exterior walls.
- F. Manner in which the proposed building will be anchored to the foundation.
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level.
 - 1. Prior to any grading or leveling
 - 2. After grading and leveling
- H. Date on which construction is proposed to begin.

Foundations All buildings shall have no less than cement footing and concrete block or rock or steel reinforced poured foundations. Full floating or slab foundations are acceptable. (Ord. No. 18, Sec. XI)

Framing

- A. Framing shall meet Federal Housing Authority requirements in all homes.
- B. Commercial buildings must meet federal specifications.
- C. All outbuildings, not commercial or housing, are subject to approval by the Building Official. (Ord. No. 18, Sec. XII)

Siding

- A. No sheet metal covered or roofed building may be erected without specific consent of the Building Official.

- B. No asphalt roll siding shall be used.
- C. All approved standard wood siding, brick veneer, rock veneer, aluminum siding or other F.H.A. (Federal Housing Authority) approved siding may be used. (Ord. No. 18, Sec. XIII)

Roofing

- A. Composition slab shingles, cedar shingles, shake shingles, aluminum shingles or any F. H. A. (Federal Housing Administration) insurable roofing except roof roofing is acceptable.
- B. Roll roofing may be used as specified on commercial buildings.
- C. Roil roofing may be used on porches and certain other applications with approval of the Building Official. (Ord. No. 18, Sec. XIV)

Flues All flues, including fireplaces, must meet F. H. A. (Federal Housing Administration) requirements to prevent fire hazard. (Ord. No. 18, Sec. XV)

Fences Permit is not necessary for fences, however, no fence may be installed that will detract from appearance of surrounding buildings, create a safety hazard or be dangerous to life, health or property. (Ord. No. 18, Sec. XVI)

Building Maintenance No permit is necessary for ordinary maintenance to homes or buildings. (Ord. No. 18, Sec. XVII)

11.04.06 Issuance All building permit applications must be reviewed and approved by the City Building Inspector and each permit issued shall bear evidence of the approval of the City Building Inspector to be valid. In each case the permit should be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereafter adopted by the city.

All applications for building, enlarging, altering, or moving commercial or industrial buildings or structures shall be presented to, reviewed and approved by the Planning Commission prior to the issuance of a building permit.

Any building permit issued under the provisions of this ordinance will remain valid only for a period of ninety (90) days from its date of issue, and become void if construction has not begun within that period, or unless it is renewed within that period. (Ord. No. 196, Sec. 2.)

11.04.07 Penalties Any person failing to secure a permit or violating any part of this ordinance shall be guilty of a misdemeanor and may be fined in any sum not less than Five Dollars (\$5.00) and not more than Twenty-Five Dollars (\$25.00) for each offense; each day constitutes a separate offense and the City Council shall have the power and authority to order the removal of any structure not authorized by this ordinance and shall charge the cost of such removal to the person or persons constructing same or the owner thereof. The above and foregoing shall not limit the power or right of the officials of said corporation to enforce the provisions of this ordinance by injunction or other appropriate action. (Ord. No. 18, Sec. XXIV)

CHAPTER 11.06

DEMOLITION AND MOVING OF STRUCTURES

Sections:

11.06.01	Permit required
11.06.02	Structure defined
11.06.03	Application procedure
11.06.04	Required preparation
11.06.05	Permit fee
11.06.06	Debris/clean up fee
11.06.07	Permit term

11.06.01 Permit required From and after passage of this ordinance, any person, entity or organization that desires to either demolish or move a structure within the city of Greenland shall first apply for a permit to do so, pay the required fees, and obtain a permit from the city for that activity. (Ord. No. 258, Sec. 1.)

11.06.02 Structure defined For purposes of this code provision the term “structure” is defined as a prefab, stick-built or ready made facility that has, at a minimum, two (2) or more walls/sides with a roof which connects at least two (2) of those walls and which walls/sides are fourteen (14) feet or more in length, however, if this facility is connected to a footing or foundation by any means or is/was in the past connected to utilities the length of the walls requirements is inapplicable. (Ord. No. 258, Sec. 2.)

11.06.03 Application procedure A permit to demolish or move a structure shall be issued by the Greenland Building Official, or his/her designee, only after an application for same

has been completed, signed, and turned in at City Hall with payment of the required fees. The application shall require the following information and be certified as true by the applicant:

- A. Name of owner of land/structure (in case of a mobile structure), mailing address and contact telephone;
- B. Address/location of structure;
- C. Date the structure was erected/built;
- D. Date when the demolition/moving is desired to begin;
- E. Name of person/entity completing asbestos survey and a copy of such survey;
- F. Name of person/entity completing the lead paint survey and a copy of such survey;
- G. Date of anticipated completion of the demolition or move (see 11.06.07)
- H. Certification that no hazardous materials (as defined by ADEQ/federal regulations) are present in structure or will be disturbed; and,
- I. Signed by the owner (owner's legal representative) certifying accuracy of above information. (Ord. No. 258, Sec. 3.)

11.06.04 Required preparation After acquiring the permit, no demolition/move preparations may begin until:

- A. Building Official completes utility-disconnect inspection;
- B. Orange construction fencing (other appropriate safety wall) is erected around structure at such a distance to protect public from entry;
- C. In case of a move, all road/highway permits are obtained and copies provided to Building Official or Chief of Police; and,
- D. Payment of a refundable (in part or whole) debris/clean up deposit as determined by 11.06.06; any refund shall be determined by the Building Official as set forth in said section. (Ord. No. 258, Sec. 4.)

11.06.05 Permit fee Upon submitting an application for a permit as required by 11.06.01, a non-refundable fee shall be tendered as follows:

- A. If the structure to be demolished or moved is two hundred (200) square feet or less the permit fee shall be Twenty-Five Dollars (\$25.00), and
- B. If the structure to be demolished or moved is larger than two hundred (200) square feet the permit fee shall be One Hundred Dollars (\$100.00). (Ord. No. 258, Sec. 5.)

11.06.06 Debris/clean up fee There is hereby enacted a debris/clean up fee to be collected by the Recorder/Treasurer at the time any demolition/moving permit is issued. This fee shall be One Hundred Seventy-Five Dollars (\$175.00) if the structure is two hundred (200)

square feet or less, and the fee shall be Five Hundred Dollars (\$500.00) if the structure is greater than two hundred (200) square feet.

The fees collected, as provided for hereinabove, shall be utilized by the city to obtain collection services for trash and debris which is generated by a structure demolition/moving permittee in the city of Greenland, Arkansas, when the person responsible for such trash or debris cannot be identified/located with a high degree of certainty. These fees shall not be utilized to offset or reimburse the city for normal trash collections as contracted, from time to time, with trash service providers.

To the extent that a structure demolition/moving permittee or other person securing such a permit who has paid debris/clean up fee as provided for above, has maintained dumpsters or other secure collection sites and had those dumpsters or secured collection sites regularly emptied or the debris/trash hauled off, they may apply to the Building Official for a partial/full refund of the debris/clean up fee paid.

The Building Official shall take into account the length of the demolition/moving project for which the debris/clean up fee was collected, his or her observation of the site where a particular permittee was working during the period of demolition/moving, and consider whether or not complaints by surrounding property owners were made concerning the types of trash/debris generated by a particular permittee. The decision of the Building Official regarding a refund or denial of same may be appealed to the City Council by the permittee. Within fifteen (15) days following the decision/determination by the Building Official as to whether and how much of a refund is appropriate the permittee must deliver to City Hall a written request for a review of that decision by the City Council. The appeal shall be heard by the City Council no later than forty-five (45) days after the written request is received.

Any appeal to the Greenland City Council from the decision/determination of the Building Official shall be final and a permittee's redress shall thereafter be to the Circuit Court of Washington County, Arkansas, with the appeal of the City Council decision being filed as required by law. (Ord. No. 258, Sec. 6.)

11.06.07 Permit term A permit to demolish/move a structure as provided above shall be valid for sixty (60) days. Prior to the expiration of such sixty (60) day period a permittee may obtain from the Planning Commission, for good cause shown, one (1) thirty (30) day extension of such permit. (Ord. No. 258, Sec. 7.)

CHAPTER 11.08

PLUMBING CODE

Sections:

- 11.08.01 Adopted
- 11.08.02 Toilets
- 11.08.03 Enforcement
- 11.08.04 Appeal

11.08.01 Adopted That there is hereby adopted by the city of Greenland, Arkansas, that certain code known as the Arkansas State Plumbing Code being particularly the Arkansas State Plumbing Code of 1970 edition as amended thereof, and the whole thereof of which not less than three (3) copies have been and are now on file in the office of the Recorder/Treasurer of the city of Greenland, Arkansas, the same having been opened to and made available for public inspection as set forth in notice by publication thereof, and the same are adopted and incorporated as fully as if set out at length herein, and from the date upon which the ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the city of Greenland, Arkansas.

11.08.02 Toilets In every building, including existing buildings not already supplied, where there is human occupancy or employment, there shall be a sufficient number of suitable and convenient water closets, properly connected to an adequate drainage system.

This shall not apply to dwellings which had outdoor toilets prior to the adoption of building codes outlawing same; however, should the present outdoor toilet be moved or torn down or should it be destroyed by any cause, it shall be replaced with indoor water closets and the proper drainage system, including approved septic tanks. (Ord. No. 18, Sec. VIII)

11.08.03 Enforcement That in all instances where said code refers to an enforcing officer or official, the same shall be the Mayor of the city of Greenland, Arkansas, or his designated representative or officer. (Ord. No. 86-4, Sec. 2)

11.08.04 Appeal That in all provisions concerning appeal from the decision of the enforcing officer or official, the Board of Appeals of said code shall be the Planning Commission of the city of Greenland, Arkansas.

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
11.12.12	Permits and fees

11.12.01 Adoption of Electrical Code There is hereby adopted by the City Council of Greenland, Arkansas, the National Electrical Code of which three (3) copies thereof have been and are now open to public examination (either electronically or by hard copy) in the office of the Recorder of Greenland, Arkansas. Said code is hereby adopted and incorporated as fully as if set out word for word herein. The provisions thereof shall be controlling within the corporate limits of the city of Greenland, Arkansas, on the effective date of this ordinance. (Ord. No. 318, Sec. 1.)

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 and/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 there for 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 electric 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 electric wiring, installation, appliance and apparatus and if installed, altered and/or constructed in compliance with the permit and in accordance with the regulations 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 not 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, motor, heat 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 full and complete responsibility and authority for making any and all 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 Twenty-Five Dollars (\$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 Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of any 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 patty 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 or neglect 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 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 of performing a service to the public generally.

11.12.12 Permit and fees

Minimum permit fee	\$40.00
Concrete floor	\$20.00
Temporary service	\$25.00
Meter service	\$25.00
Over 20 outlets – each add	.25
(Ord. No. 223.)	

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 There is hereby adopted by the City Council of Greenland, Arkansas, the Arkansas Fire Prevention Code 2012 Edition, Vol 1 – Fire, Vol. 2 – Building, and Vol. 3 – Residential, of which three (3) copies thereof have been and are now open to public examination (either electronically or by hard copy) in the office of the Recorder of Greenland, Arkansas. Said code is hereby adopted and incorporated as fully as if set out word for word herein. The provisions thereof shall be controlling within the corporate limits of the city of Greenland, Arkansas, on the effective date of this ordinance. (Ord. No. 318, Sec. 1.)

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 fifteen hundred (1500) feet of any building 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 of the city of Greenland, Arkansas, 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 Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) 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 violation 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:

- 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 the 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 Building Inspector
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 is 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 Greenland, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council.

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.

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.

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 there by known or their last known address be known, and a copy thereof shall be posed 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, the posting of the copy of said resolution as hereinabove provided will suffice as notice.

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, it will be torn down and/or removed by the Building Inspector or his duly designated representative.

11.24.06 Duties of Building Inspector The Building Inspector or any other person or persons which may be designated by him to raze, tear down and/or remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of same in such a manner as deemed appropriate considering the circumstances and to that and 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.

11.24.07 Proceeds of sale Any and 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 therefrom 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.

11.24.08 Enforcement of lien If the city has any net costs in removal of any house, building and/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 provided for herein may be determined at a hearing to be held before the governing body of the municipality after the giving of at least 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 and whereabouts 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 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 or owners in the Chancery Court, and the amount so determined at said hearing, plus a ten percent (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 percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector.

11.24.09 Penalty A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building 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 offense, provided the notice as herein provided in 11.24.04 hereof has been given within ten (10) days after said house, building or structure has been by resolution found and declared to be a nuisance.

11.24.10 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the City Council of the city of Greenland, Arkansas, 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 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 such other person or persons referred to in Section 11.24.05 of this ordinance will take such action as provided in Section 11.24.06 hereof, and Section 11.24.07 of this ordinance will be applicable to any such owner or owners. The provisions contained in the immediately preceding sentences are designed to apply independently of any action as may be taken by the court judicially declaring the nuisance.

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 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 the city of Greenland, 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 known as the "Standard Building Code" of which not less than three (3) copies 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 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 Building Official is hereby created and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be hired by the Mayor subject to the approval of the City Council. His/her hiring, termination benefits and other emoluments of employment are covered by Chapter 2.52 of this code and by this code generally.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.
- D. Wages or pay for services rendered shall be determined from time to time by the City Council
- E. It shall be the duty of the Building Official to enforce all laws relating to construction, alteration, removal and demolition of buildings or structures, residential and commercial, including trailers, mobile homes modular homes. (Ord. No. 306, Sec. 3.)

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 exist 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, or reports rendered and of notices or orders issued.
- D. All such records shall be open to the 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 of the city of Greenland, Arkansas, 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 any and 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 premises at any reasonable hour for purposes of performance of duties herein set forth. (Ord. No. 306, Sec. 3)

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:

Total Valuation	Fee
\$1,000 and less	No fee, unless inspection required in which case a \$25.00 fee for each initial inspection shall be charged
\$1,000 to \$50,000	\$25.00 for the first \$1,000 plus \$7.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000	\$368.00 for the first \$50,000 plus \$2.00 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,000 to \$500,000	\$468.00 for the first \$100,000 plus \$.75 for each additional thousand or fraction thereof, to and including \$500,000
\$500,000 and up	\$768.00 for the first \$500,000 plus \$.75 for each additional thousand or fraction thereof.
Based on \$58.00 per sq. ft.	<i>Example:</i> \$58.00 x sq. ft. then use the above valuation.
(Ord. No. 223.)	

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

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 Dollars (\$10.00).

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

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

11.28.09 Call back fees

Initial inspection	\$25.00
Re-inspection fee	\$40.00
Occupancy permit inspection (Ord. No. 223.)	\$25.00

CHAPTER 11.32

MECHANICAL CODE

Sections:

- 11.32.01 Mechanical Code adopted
- 11.32.02 Ordinances repealed
- 11.32.03 Responsible official

11.32.01 Mechanical Code adopted There is hereby adopted by the City Council of Greenland, Arkansas, the 2010 Arkansas Mechanical Code of which three (3) copies thereof have been and are now open to public examination (either electronically or by hard copy) in the office of the Recorder of Greenland, Arkansas. Said code is hereby adopted and incorporated as fully as if set out word for word herein. The provisions thereof shall be controlling within the corporate limits of the city of Greenland, Arkansas, on the effective date of this ordinance. (Ord. No. 318, Sec. 1.)

11.32.02 Ordinances repealed Be it further ordained by the city of Greenland that any matters in said Codes which are contrary to existing ordinances of the city of Greenland shall prevail and the Ordinance No. 18, entitled An Ordinance to Regulate and Control All Building and Remodeling Within the Corporate Limits of the city of Greenland, Arkansas, are hereby repealed and, to that extend any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. No. 170, Sec. 2.)

11.32.03 Responsible official Be it further ordained that within said codes, when reference is made to the duties of a certain official named therein, that designated official of the city of Greenland who had duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provision of said Code are concerned. (Ord. No. 170, Sec. 3.)

CHAPTER 11.36**INSPECTIONS AND FEES****Sections:**

11.36.01	Inspection and fees
11.36.02	Extra trip
11.36.03	Requirement
11.36.04	Setting fees
11.36.05	Application form
11.36.06	Submitting applications
11.36.07	Fee for Lot Line Alignments
11.36.08	Fee for Occupancy Permit Inspection
11.36.09	Fee for Preliminary/Final Plat
11.36.10	Zoning, building and safety codes
11.36.11	Fees for lot splits, variances, etc.
11.36.12	Amendments
11.36.13	Applications
11.36.14	Submission

11.36.01 Inspection and fees The following fee schedule shall be followed when issuing permits for initial installation or major repair for electrical, gas, and heating and air conditioning work.

A.	<u>Gas Inspections</u>	
	Minimum permit fee	\$40.00
B.	<u>Heating and Air Conditioning Inspections</u>	
	Minimum permit fee (per unit)	\$40.00
	Water heater vent	\$10.00
	(Ord. No. 223.)	

11.36.02 Extra trip All inspections must be ready when called for. If an extra trip is necessary, there will be an additional minimum charge of \$10.00 for each additional trip. All inspections shall be called for well in advance as the City Inspector must plan his work in an efficient manner. (Ord. No. 140, Sec. 3.)

11.36.03 Requirement There is hereby established a requirement for permits for certain work/services to be performed or provided within the city limits of Greenland, Arkansas, for electrical services (see GMC 11.12) for plumbing service, for gas services, for mechanical/HVAC services and signs (see GMC 9.12.01). (Ord. No. 208, Sec. 1.)

11.36.04 Setting fees The fees/charges associated with the application for building permits, electrical permits, gas permits, plumbing permits, follow-up or re-inspection charges, mechanical permits and inspections, moving permits, demolition permits and the like shall hereafter be established and set, from time to time, by a proper resolution of the Greenland City Council upon the advice and approval of the City Planning Commission. The fees for sign permits and associated charges are covered by GMC 9.12.01. (Ord. No. 208, Sec. 2.)

11.36.05 Application forms The application forms for the above mentioned permits shall, from time to time, be prepared by the Greenland Building Official/Inspector and approved by resolution of the Planning Commission. (Ord. No. 208, Sec. 3.)

11.36.06 Submitting applications Applications, approved as aforesaid, shall be completed by the landowner/agent and submitted to the Mayor or Mayor's designee at the Greenland City Hall during normal work hours along with a tender of all applicable fees as established from time to time. (Ord. No. 208, Sec. 4.)

11.36.07 Fee for Lot Line Alignments There is hereby enacted and established a fee for Lot Line Alignments within the city of Greenland and the Planning Area. Such fee shall be collected at the time an application/petition is submitted to city staff or officials for processing. The fee that shall be charged for a lot alignment is shown on Exhibit A hereto from and after passage of this ordinance.

Lot Line Alignment	\$200.00
(Ord. No. 223, Sec. 1.)	

11.36.08 Fee for Occupancy Permit Inspection There is hereby enacted and established a fee for Occupancy Permit Inspection within the city of Greenland and the Planning Area. Such fee shall be collected at the time an application or request is made for an inspection related to issuance of an Occupancy Permit. The fee that shall be collected for an Occupancy Permit Inspection is shown on Exhibit A hereto from and after passage of this ordinance.

Occupancy Permit Inspection	\$25.00
(Ord. No. 223, Sec. 2.)	

11.36.09 Fee for Preliminary/Final Plat There is hereby enacted and established a fee for consideration of a Preliminary Plat, and a fee for a consideration of a Final Plat of lands within the city of Greenland and the Planning Area. Such fee shall be collected at the time the Preliminary Plat and/or the Final Plat are submitted to or filed with the city. The fee that shall be collected for a Preliminary Plat and the fee that shall be collected for Final Plat are shown on Exhibit A hereto from and after passage of this ordinance.

Preliminary Plat	\$200.00
Final Plat	\$100.00
(Ord. No. 223, Sec. 3.)	

11.36.10 Zoning, building and safety codes There is hereby enacted and established a fee for initial inspections and re-inspections/follow up inspections by the Greenland Building Official/Inspector concerning compliance with all zoning, building and safety codes, laws and ordinances of the city. Such fee shall be collected at the time a building, electrical, gas, mechanical, HVAC or other permit is applied for or issued by the city or such other time as is convenient, but in any event before a certificate of occupancy is issued. The fee that shall be charged for initial inspections and re-inspections is shown on Exhibit A hereto from and after passage of this ordinance. (Ord. No. 223, Sec. 4.)

11.36.11 Fees for lot splits, variances, etc. The fees and charges heretofore enacted and set for building or trade permits, inspections, re-inspections, re-zoning, lot splits, conditional use requests, variances, preliminary plats, and other services (as shown on Exhibit A hereto for which a fee or charge has been set) are hereby amended, modified, and established to those fees as shown on Exhibit A hereto from and after the passage of this ordinance.

Re-zoning (plus any additional cost)	\$200.00
Lot splits, per split	\$200.00
Conditional use (plus any additional cost)	\$200.00
Variances (plus any additional cost)	\$125.00
(Ord. No. 223, Sec. 5.)	

11.36.12 Amendments Hereafter, the fees/charges for permits and/or services as listed on Exhibit A hereto shall be amended, established, and set, from time to time, by a proper resolution of the Greenland's City Council upon the advice and recommendation of the City Planning Commission. (Ord. No. 223, Sec. 6.)

11.36.13 Applications The application forms for the above mentioned permits, inspections, re-inspections, shall, from time to time, be prepared by the Greenland Building Inspector and/or Code Enforcement Officer and approved by resolution of the City Planning Commission. (Ord. No. 223, Sec. 7.)

11.36.14 Submission Applications, approved as aforesaid, shall be completed by the landowner/agent and submitted to the Mayor or Mayor's designee at the Greenland's City Hall during normal work hours along with a tender of all applicable fees/charges (as established from time to time). (Ord. No. 223, Sec. 8.)

CHAPTER 11.40**STORMWATER/EROSION CONTROL****Sections:**

11.40.01	General provisions
11.40.02	Prohibitions and requirements
11.40.03	Stormwater discharges from construction activities
11.40.04	Grading
11.40.05	Enforcement

11.40.01 General provisions

- A. **Purposes** The purpose and objectives of this article are as follows:
1. To maintain and improve the quality of water impacted by the storm drainage system within the city of Greenland.
 2. To prevent the discharge of contaminated stormwater runoff and illicit discharges from industrial, commercial, residential, and construction sites into the storm drainage system within the city of Greenland.
 3. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system.
 4. To encourage recycling of used motor oil and safe disposal of other hazardous consumer products.
 5. To facilitate compliance with state and federal standards and permits by owners of construction sites within the city.
 6. To enable the city to comply with all federal and state laws and regulations applicable to the National Pollutant Discharge Elimination System (NPDES) permitting requirements for stormwater discharges.
- B. **Administration** Except as otherwise provided herein, the City Planning Department Leader or other designated representative shall administer, implement, and enforce the provisions of this article.

- C. Abbreviations The following abbreviations when used in this article shall have the designated meanings:

ADEQ – Arkansas Department of Environmental Quality
BMP – Best Management Practices
CFR – Code of Federal Regulations
EPA – U.S. Environmental Protection Agency
HHW – Household Hazardous Waste
MS4 – Municipal Separate Storm Sewer System
NPDES – National Pollutant Discharge Elimination System
SWP3 – Stormwater Pollution Prevention Plan

- D. Definitions Unless a provision explicitly states otherwise, the following terms and phrases as used in this article, shall have the meanings hereinafter designated.

Best Management Practices (BMP's) here refers to management practices and methods to control pollutants in stormwater. BMP's are of two types: "source controls" (non-structural) and "treatment controls" (structural). Source controls are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with stormwater. Treatment controls remove pollutants from stormwater. The selection, application and maintenance of BMP's must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system. Specific BMP's shall be imposed by the city and a list of appropriate BMP's can be obtained from the city.

City means the city of Greenland, Arkansas.

Clearing means the act of cutting, removing from the ground, burning, damaging or destroying trees, stumps, hedge, brush, roots, logs, or scalping existing vegetation.

Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit.

Construction site means any location where construction activity occurs.

Contaminated means containing harmful quantities of pollutants.

Contractor means any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors, and material suppliers delivering materials to the site.

Discharge means any addition or release of any pollutant, stormwater or any other substance whatsoever into storm drainage system.

Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.

Domestic sewage means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

Earthwork means the disturbance of soils on a site associated with clearing, grading, or excavation activities.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

Garbage means putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Grading means any land-altering activity, including stripping top soil, excavating, cutting, filling or similar construction activity.

Groundwater means any water residing below the surface of the ground or percolating into or out of the ground.

Harmful quantity means the amount of any substance that the Planning Department Leader determines will cause an adverse impact to storm drainage system or will contribute to the failure of the city to meet the water quality based requirements of the NPDES permit for discharges from the MS4.

Hazardous substance means any substance listed in Table 302.4 of 40 CFR part 302.

Household Hazardous Waste (HHW) means any material generated in a household (including single and multiple residences) that would be classified as hazardous.

Illegal discharge see illicit discharge below.

Illicit discharge means any discharge to the storm drainage system that is prohibited under this article.

Illicit connection means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system.

Industrial waste (or commercial waste) means any wastes produced as a byproduct of any industrial, institutional or commercial process or operation, other than domestic sewage.

Land alteration means the process of grading, clearing, filling, excavating, boring, quarrying, tunneling, trenching, construction or similar activities.

Mechanical fluid means any fluid used in the operation and maintenance of machinery, vehicles and any other equipment, including lubricants, antifreeze, petroleum products, oil and fuel.

Mobile commercial cosmetic cleaning (or mobile washing) means power washing, steam cleaning, and any other method of mobile cosmetic cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances, including roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the city and designed or used for collection or conveying stormwater, and not used for collecting or conveying sanitary sewage.

NPDES means the National Pollutant Discharge Elimination System.

NPDES permit means a permit issued by EPA that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Notice of violation means a written notice detailing any violations of this article and any action expected of the violators.

Oil means any kind of oil in any form, including, but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

Owner means the person who owns a facility, part of a facility, or land.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest.

Pet waste (or animal waste) means excrement and other waste from domestic animals.

Petroleum product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #1 diesel.

Pollutant means any substance attributable to water pollution, including but not limited to rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, pet waste, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil and sediment.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Potable water means water that has been treated to drinking water standards and is safe for human consumption.

Private drainage system means all privately or publicly owned ground, surfaces, structures or systems, excluding the MS4, that contribute to or convey stormwater, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface.

Qualified person means a person who possesses the required certification, license or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity.

Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the storm drainage system.

Rubbish means non-putrescible solid waste, excluding ashes, that consists of:

- A. combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and
- B. non-combustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary sewage means the domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Sediment means soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and aerated tanks.

Shall means mandatory; **may** means discretionary.

Site means the land or water are where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid waste means any garbage, rubbish, refuse and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations, and residential, community and institutional activities.

State means the state of Arkansas.

Storm drainage system means all surfaces, structures and systems that contribute to or convey stormwater, including private drainage systems, the MS4, surface water, groundwater, waters of the state and waters of the United States.

Stormwater means runoff resulting from precipitation.

Stormwater Pollution Prevention Plan (SWP3) means a document that describes the Best Management Practices to be implemented at a site, to prevent or reduce the discharge of pollutants.

Subdivision development includes activities associated with the platting of any parcel of land into two or more lots and includes all construction activity taking place thereon.

Surface water means water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

Uncontaminated means not containing harmful quantities of pollutants.

Used oil (or used motor oil) means any oil that as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.

Utility agency means private utility companies, city departments or contractors working for private utility companies or city departments, engaged in the construction or maintenance of utility distribution lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water of the state (or water) means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water quality standard means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect

interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “waters of the United States” at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

Wetland means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adopted for life in saturated soil condition. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.
(Ord. No. 266, Sec. 1.)

11.40.02 Prohibitions and requirements

A. Prohibitions

1. No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed herein. Common stormwater contaminants include trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.
2. Any discharge shall be prohibited by this section if the discharge in question has been determined by the City Council to be a source of pollutants to the storm drainage system.
3. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
4. No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.
5. No person shall maliciously destroy or interfere with BMP’s implemented pursuant to this article.

B. Exemptions The following non-stormwater discharges are deemed acceptable and not a violation of this section:

1. A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;
2. Uncontaminated waterline flushing and other infrequent discharges from potable water sources;
3. Infrequent uncontaminated discharge from landscape irrigation or lawn watering;
4. Discharge from the occasional non-commercial washing of vehicles on any property regardless of zoning;
5. Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air-conditioning condensation drains;
6. Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs;
7. Diverted stream flows and natural riparian habitat or wetland flows;
8. A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

C. Requirements applicable to certain dischargers

1. Private drainage system maintenance The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
2. Minimization of irrigation runoff A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
3. Cleaning of paved surfaces required The owner of an paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid,

waste materials, sediment or debris is a violation of this ordinance. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this code. This section does not apply to pollutants discharged from construction activities.

4. Maintenance of equipment An leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
 5. Materials storage In addition to other requirements of this code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
 6. Pet waste Pet waste shall be disposed of as solid waste or sanitary sewage in a timely manner, to prevent discharge to the storm drainage system.
 7. Pesticides, herbicides and fertilizers Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
 8. Prohibition on use of pesticides and fungicides banned from manufacture Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any federal, state or city regulation is prohibited.
 9. Open drainage channel maintenance Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.
- D. Release reporting and clean up Any person responsible for a known or suspected release of materials which are resulting in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and clean up of such release. In the event of such a

release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, clean up, containment, and any other appropriate remedial action in response to the release. In the event of such a release of non-hazardous materials, said person shall notify the city no later than 4:30 p.m. of the next business day.

- E. Authorization to adopt and impose Best Management Practices The city may adopt and impose requirements identifying Best Management Practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMP's are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMP's at their own expense. (Ord. No. 266, Sec. 2.)

11.40.03 Stormwater discharges from construction activities

A. General requirements for construction sites

1. The owner of a site of construction activity shall be responsible for compliance with the requirements of this ordinance. All sites, in accordance with state of Arkansas law must post appropriate notices and keep logs and records as required by ADEQ.
2. Before construction can begin, the contractor is required to install the erosion control devices and BMPs required in the SWPPP that are necessary and able to be installed. Once this has been done, the contractor shall notify the city and an inspection will be completed by city or other authorized personnel. Upon acceptance of the erosion control device and BMP installation, a pre-construction conference will be scheduled. construction may begin upon city approval following the pre-construction conference.
3. Waste disposal Solid waste, industrial waste, yard waste and any other pollutants or waste on any construction site shall be controlled through the use of Best Management Practices. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited.
4. Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials is prohibited.

5. Erosion and sediment control Best Management Practices shall be implemented to prevent the release of sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.
 6. Erosion and sediment control No construction of any development may proceed nor may a developer receive a building permit nor may Final Plat approval be issued for a subdivision without an approved bond being posted for the cost of the site development work that would cause land disturbing activity unless the developer has:
 - a. The approved drainage and/or detention facilities constructed and certified by the project engineer of record with “as-built” plans being submitted to the city.
 - b. If determined necessary by the Planning Department Leader, an Erosion Control Plan must be submitted for approval.
 7. For purposes of this ordinance, “land disturbing activity” means any use of land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause to contribute to sedimentation, except for ordinary agricultural practices, city, county, state, or federally funded and authorized construction and maintenance. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin. In determining the need for sedimentation or erosion control, the decision of the Planning Department Leader is final.
 8. Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this ordinance, in the course of maintenance, reconstruction or any other construction activity on the site.
- B. Construction sites requiring an approved SWP3 This section applies to all construction sites of greater than or equal to one (1) acre but less than five (5) acres of land where construction on a site will disturb soil or remove vegetation during the life of the construction project. This shall include a single lot in a

subdivision regardless of size. A copy of the Stormwater Pollution Prevention Plan (SWP3) and Construction Site Notice for the project must be provided to the city by the construction site owner before construction begins. For sites subject to review by the Planning Commission such will not be approved for construction until a duly certified SWP3 has been filed with the Planning Department Leader.

This section applies to all construction sites of greater than or equal to five (5) acres of land where construction on a site will disturb soil or remove vegetation during the life of the construction project. A copy of the ADEQ approved Stormwater Pollution Prevention Plan (SWP3) and ADEQ stormwater permit for the project must be provided to the city by the construction site owner before construction begins. For sites subject to review by the Planning Commission such will not be approved for construction until a duly certified SWP3 has been filed with the Planning Department Leader.

The owner/developer bears the responsibility for implementation of the SWP3 and notification of all contractors and utility agencies on the site.

- C. Subdivision developments requiring an approved SWP3 Where construction of a subdivision development will disturb soil or remove vegetation on greater than or equal to one (1) but less than five (5) acres of land during the life of the development project, a copy of the Stormwater Pollution Prevention Plans (SWP3's) and a copy of the Construction Site Notice for the project must be provided. Where construction of a subdivision development will disturb soil or remove vegetation on five (5) or more acres of land during the life of the development project, a copy of the ADEQ approved Stormwater Pollution Prevention Plans (SWP3's) and a copy of the ADEQ stormwater permit for the project must be provided to the city. The SWP3 must be implemented by the subdivision owner/developer as follows:

1. The area disturbed shall be assumed to include the entire platted area, unless shown otherwise.
2. SWP3's must be provided by the subdivision owner/developer.
3. SWP3's must be provided for all phases of development, including sanitary sewer construction, storm drainage system construction, waterline, street and sidewalk construction, general grading and the construction of individual homes. The subdivision owner/developer will not be required to provide an SWP3 for the activities of utility agencies within the subdivision.

4. The subdivision owner/developer shall provide a copy of the approved SWP3' to all utility agencies prior to their working within the subdivision.
 5. The subdivision owner/developer bears the responsibility for implementation of the approved SWP3's for all construction activity within the development, excluding construction managed by utility agencies.
 6. The subsequent owner of an individual lot bears the responsibility for continued implementation of the approved SWP3's for all construction activity within or related to the individual lot, excluding construction managed by utility agencies.
- D. Stormwater pollution prevention plans Preparation and implementation of stormwater pollution prevention plans for construction activity shall comply with the following:
1. Preparation
 - a. The SWP3 shall be prepared under the direction of a qualified person.
 - b. The SWP3 shall follow all the current EPA and ADEQ guidelines set forth for the development of said plans.
 - c. The SWP3 shall be prepared in accordance with the current city of Greenland drainage ordinance.
 2. Implementation
 - a. BMP's shall be installed and maintained by qualified persons. The owner/developer or their representative shall maintain and be able to provide upon request a copy of the SWP3 on site and shall be prepared to respond to unforeseen maintenance of specific BMP's
 - b. The owner/developer or their representative shall inspect all BMP's at least once per month and within 24 hours after a rainfall of one-half (1/2) of an inch or more as measured at the site.
 - c. Based on inspections performed by the owner/developer or by authorized city personnel, modifications to the SWP3 will be necessary if at any time the specified BMP's do not meet the

objectives of this ordinance. In this case, the owner/developer or authorized representative shall meet with authorized city personnel or their authorized representative to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, except in circumstances necessitating more timely attention, and shall be recorded on the owner's copy of the SWP3.

E. Requirements for utility construction

1. Utility agencies shall be responsible for compliance with the requirements this ordinance.
2. Utility agencies shall develop and implement Best Management Practices (BMP's) to prevent the discharge of pollutants on any site of utility construction within the city. In addition, the city may adopt and impose BMP's on utility construction activity.
3. Utility agencies shall implement BMP's to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.
4. Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner a copy of any SWP3's for the project. Any disturbance to BMP's resulting from utility construction shall be repaired immediately by the utility company in compliance with the SWP3. (Ord. No. 266, Sec. 3.)

11.40.04 Grading

- A. Findings The city has experienced development activity causing the displacement of large amounts of earth and the removal of vegetative cover. Significant problems resulting from such development include flooding, soil erosion and sedimentation, unstable slopes, and impaired quality of life. These problems are a concern because of their negative effects on the safety and general welfare of the community and environment.
- B. Purpose The purposes of this chapter are to:
1. Prohibit the indiscriminate clearing of property.

2. Prevent excessive grading, clearing, filling, cutting, or similar activities.
3. Substantially reduce flooding, erosion and sediment damage within the city.
4. To safeguard the safety and welfare of citizens.
5. Establish reasonable standards and procedures for development, which prevent potential flooding, erosion, and sediment damage.
6. Prevent the pollution of streams, ponds and other watercourses by sediment.
7. Minimize the danger of flood loss and property loss due to unstable slopes.
8. Preserve natural vegetation, which enhances the quality of life of the community.
9. To conceal hillside scars.

C. General requirements

1. Persons engaged in land alteration activities regulation by this chapter shall take measures to protect neighboring public and private properties from damage by such activities. The requirements of this chapter, however, are not intended to prevent the reasonable use of properties.
2. The responsible party shall be liable for all fines levied or remedial action required under this chapter. Each violation shall be considered a separate offense.
3. Any person, who engages in land alteration activities regulated by this chapter without obtaining a grading permit, shall be required to restore the land, to the maximum extent practicable to its original condition.
4. The permit applicant shall have on the project site at all times an agent who is a competent superintendent capable of reading and thoroughly understanding the plans, specifications and requirements for the type of work being performed. The superintendent shall have full authority to issue orders or direction to employees working on site, without delay and to promptly supply such materials, labor, equipment, tools, and incidentals as may be required to complete the work in a proper manner. If no superintendent is on site, the city official may issue the notice of violation and stop work order to the person conducting the violation.

D. Grading permit required

1. Any person proposing to engage in clearing, filling, cutting, quarrying, construction or similar activities on any piece of disturbed land of one (1)

acre or larger shall apply to the city of a grading permit as specified in this chapter. A large scale development plan shall be approved by the city before constructing or expanding a vehicular use area or when expanding or rehabilitating a building and landscaping is required. No land shall be altered or cleared to the extent regulated in this chapter unless approved by a permit.

2. No land alteration shall be permitted until all necessary city approval of all plans and permits, except building permit, have been issued and construction is imminent. In those cases where filling or cutting in areas with no trees is to be done, the area is to be graded suitable for mowing and shall be re-vegetated.
3. A grading permit is required for land alteration activities specified in this section. However, all construction work shall include appropriate drainage and erosion control measures to protect neighboring properties. All land alteration in properties within the designated 100 year floodplain or on a twenty percent (20%) or greater slope and any excavation from which fill will be exported or imported requires a grading permit without exception.
4. Prior to issuance of a grading permit, a grading and drainage plan shall be submitted and approved by the city. A drainage report shall be submitted to the city at the time new subdivision and large scale developments are submitted for project approval. The drainage report shall comply with all current drainage ordinances and must be certified by a registered professional engineer licensed in the state of Arkansas.
5. Utility organizations may obtain a one-time approval from the city for all routine tree trimming and installation, maintenance, replacement and repair of fence and sign posts, telephone poles and other kinds of posts or poles and overhead or underground electric, water sewer, natural gas, telephone or cable facilities. The approval will include a utility organization and its contractors, agents or assigns and will be permanent in nature as long as the original approved procedures are followed. However, large-scale utility projects involving clearing of areas over twenty-five (25) feet in width shall not be authorized by one-time approval of all projects. In such cases, a separate grading permit must be obtained for each project.
6. One-time approval may be obtained by public or private entities for the stockpiling of construction spoil material at particular locations for a

limited time period, not to exceed six (6) months. Grading and replanting of grassed areas is required upon removal of stockpile.

- E. Exemptions A grading permit shall not be required for:
1. Emergency work or repairs to protect health, safety and welfare of the public.
 2. Cemetery graves.
 3. Construction of or addition to a single family residence. This shall include excavations for basements, footings, swimming pools, hot tubs septic systems, retaining walls, and like structures.
 4. Refuse disposal sites controlled by other regulations.
- F. Contents of grading plans The grading and drainage plan shall identify the following:
1. Acreage of the proposed project
 2. Designate all land areas to be disturbed and label acreage of disturbed areas.
 3. Stages of grading showing the limits of sections to be graded.
 4. The height and slope of cuts and fills.
 5. Cross section shall be required every one hundred fifty (150) feet on property where the depth of excavation of fills exceeds five (5) feet, showing original and final grades. A grading plan showing existing and proposed contours with a maximum two (2) foot contour interval for slopes less than ten percent (10%) and a maximum five (5) foot contour interval for slopes greater than ten percent (10%) can be shown as an alternate to cross-sections every fifty (50) feet.
 6. Provisions for collecting and discharging surface water.
 7. Erosion and sediment control measures, including structural and vegetative measures. Specification of measures to control runoff, erosion and sedimentation during the process of construction, noting those areas where control of runoff will be required during construction and indicating what will be used, such as sediment basins, silt dams, rock check dams, lateral hillside ditches, catch basins, etc.

8. Seal, Certificate of Authority and signature of a registered engineer qualified under state regulations to certify that the grading and drainage plan complies with this chapter.
9. A vicinity drawing showing location of property lines, location and names of all existing or platted streets or other public ways within or immediately adjacent to the tract on city of Greenland topographic mapping or approved equal.
10. Location of all known existing sewers, water mains, culverts and underground utilities within the tract and immediately adjacent thereto; location of existing permanent buildings on or immediately adjacent to the site if right-of-entry can be obtained to locate same.
11. Identification of rights-of-way or easements affecting the property.
12. A plan of the site at a minimum scale of one (1) inch equals one hundred (100) feet or less, i.e., 1" = 50' or 1" = 30', etc.
13. The grading plan shall include areas of tree protection, erosion and sediment control provisions meeting standards established by the city and ADEQ.

Such other information required by the city, including but not limited to:

1. The approximate location and width of existing and proposed streets.
2. The locations and dimensions of all proposed or existing lots.
3. The locations and dimensions of all parcels of land proposed to be set aside for parks, playgrounds, natural condition perimeters, public use, or for the use of property owners in proposed development.
4. Existing and proposed topography at a maximum of two-foot contour intervals unless approved otherwise by the city.
5. Identification of unusual material or soils in land areas to be disturbed. If any surface indications of unusual materials or soils that would cause street or lot instability, such as non-vertical tree growth, old slides, seepage, or depressions in the soil are visible before grading, they should be noted and accompanied by the engineer's recommendation for correcting such problem areas.

6. Identification of suitable material to be used for fills shall be accomplished before actual filling begins. If there are any surface indications that local material is not suitable for fills, those areas to be filled with outside material should be identified and the type and source of the fill noted.
7. Measures to protect neighboring built-up areas and city property during process of construction, noting work to be performed, such as cleaning existing ditches, storm culverts and catch basins or raising existing curbs in neighboring areas.
8. Provisions to stabilize soils and slopes after completion of streets, sewers and other improvements, noting on the grading plan when and where ground cover will be planted, also noting any other means to be used such as placement of stone embankments and riprap or construction of retaining walls.
9. All fill areas shall be compacted to ninety-five percent (95%) standard protor density unless approved otherwise.

G. Issuance procedure The following procedure shall be implemented for the issuance of a grading permit:

1. The city or its authorized representative shall approve, disapprove or recommend modification of the grading plan in writing within ten (10) working days after the date of submittal.
2. Upon approval of the final plan, the city shall issue a grading permit. A superintendent capable of understanding the plans and with the authority to issue orders to employees performing the land alteration shall properly supervise the land alteration work.

Groups of trees and individual trees that are not to be removed and required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose. The fencing shall be placed and maintained by the owner until all exterior construction except landscaping has been completed. Individual trees to be preserved outside the protected area shall be fenced at the critical root zone and shall be flagged with bright orange vinyl tape wrapped around the main trunk at a height of four (4) feet or more such that the tape is clearly visible to workers on foot or operating equipment.

The Planning Department Leader may allow minor modifications of the plan to alleviate particular problems during the process of construction. In reviewing request for modifications, the Planning Department Leader may require from the applicant's engineer appropriate reports and data sufficient to make a decision on the request.

Major changes to plans previously approved shall only be permitted by the Planning Commission. Examples of major changes are those that substantially increase the height of cuts, the area of clearing or grading, or impact on neighboring properties. More than twenty percent (20%) increase in height area or impact will normally be considered a major change. Examples of increased impact include reductions in buffer area, increased runoff onto adjacent properties and increased site area that is visible from adjacent properties or public streets.

H. Grading plan requirements

1. Preparation of grading and drainage plans shall be designed on the basis of the following considerations:
 - a. A maximum of thirty (30) vertical feet of fill or excavation (three, ten [10] feet vertical terraces or two, fifteen [15] feet vertical terraces) is permitted. However, additional development areas may be constructed a minimum of one hundred fifty (150) feet in width and at a slope of no more than eight percent (8%). The maximum of thirty (30) feet of fill or excavation may again be utilized.
 - b. The depth of till or excavation shall be measured from the finish grade elevation to the original ground line elevation.
 - c. No more than two hundred (200) feet of terrace can be in a straight line and a minimum of a ten (10) foot curved section, jog, or offset is required for each additional two hundred (200) feet of terrace.
 - d. For excavations or fills constructed with slopes flatter than 3:1 (three horizontal to one vertical), terraces are not required nor is there a limit on the height of cut or fill. Planting requirements on these 3:1 slopes shall be the same as required for terraces and shall be spaced uniformly over the slope.
 - e. Cuts or fills shall be limited to ten (10) feet in height or to fifteen (15) feet if architectural stone is included to protect the vertical

face. A series of smaller cuts or fills with terraces, preserving portions of natural vegetation and providing areas for planting, shall be used in situations where more than ten (10) feet of cut or fill is needed.

- f. Terracing width shall be at a ratio of at least one (1) foot of horizontal terrace for every one (1) foot of vertical height, up to a maximum of ten (10) feet. Terraces shall be landscaped with dense evergreen plantings sufficient to screen the cut or fill slope.
 - g. If the slope of the cut or fill is faced with an architectural stone wall, the terrace plantings shall be a minimum of two (2) rows of trees four (4) feet between the rows, staggered not more than twenty (20) feet on centers.
2. Development shall be planned to fit topography, soils geology, hydrology, and other existing site conditions.
 3. To the extent practical, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions.
 4. Provisions shall be made for safety against unstable slopes or slopes subject to erosion and deterioration.
 5. Grading shall complement natural landforms.
 6. Easements for drainage channel maintenance shall be in accordance with the current drainage ordinance.
 7. All developments or any lot containing or adjacent to a drainage channel or drainage structure must provide the minimum finish floor elevation for any proposed structure based on the 100 year flood elevation in the drainage structure. For subdivision, this minimum elevation shall be shown on the Final Plat. For Large Scale Development Plans, this minimum elevation must be shown on the approved plans.
 8. After grading, all paving, seeding, sodding, or mulching shall be performed in accordance with a reasonable schedule approved by the Planning Department Leader.
 9. Open areas not planned for immediate use shall be seeded or sodded. Lots which are exposed for more than twenty-one (21) days with no

construction activity shall be seeded, mulched or re-vegetated in accordance with this code. All restoration efforts must be to the satisfaction of the city.

10. Areas not well-suited to development, as evidenced by existing incompetent soils, geology, hydrology investigations and reports, should be allocated to open space and recreational uses.
11. The potential for soil loss shall be minimized by retaining natural vegetation wherever possible.
12. Appropriate BMPs and other erosion and sediment control practices shall be used to accommodate stormwater runoff and control soil loss occasioned by changed soils and surface conditions during and after development, including the use of vegetation and limitations on soil exposure. If staff determines upon visual inspection that excessive silt from the construction has migrated offsite, additional measures to reduce erosion may be required.
13. Permanent improvements such as streets, storm sewers, curb and gutters and other features for control of storm runoff shall be scheduled as soon as economically and physically feasible before removing vegetation cover from the area, so that large areas are not left bare and exposed for long periods of time beyond the capacity of temporary control measures.
14. Private roads, parking lots, and access ways (excluding residential driveways), within developments shall utilize curb, gutter, and storm drain systems to provide adequate drainage. The use of swales and siding open side ditches are acceptable only upon written approval of the Planning Department Leader. All utilities must be a minimum of twenty-four (24) inches below the flow line of an open ditch unless approved in writing by the Planning Department Leader and the respective utility company. Clearances may be reduced for paved ditches.
15. Persons engaged in land alteration activities regulated by this chapter shall take measures to protect public and private properties from damages by such activities.
16. A temporary or permanent sediment basin, debris basin, silt basin or silt trap shall be installed and maintained to substantially reduce sediment from water runoff. The volume of the sediment basin shall be three-thousand (3000) cubic feet per acre for property with average slope greater

than five percent (5%), or fifteen-hundred (1500) cubic feet per acre for property with an average slope less than five percent (5%). A property sized sediment basin is required for each separate drainage area within the property being developed.

17. Construction access shall be limited to locations as approved by the city. Construction access points shall be graveled for a minimum length of twenty percent (20%) of the lot depth or fifty (50) feet, whichever is greater, up to a maximum of one hundred (100) feet and of adequate thickness to minimize tracking onto the city street. Two (2) to three (3) inch crushed stone shall be used for the construction entrance.
 18. Appropriate provisions shall be made to prevent excessive particulate matter from becoming airborne.
 19. A perimeter buffer strip shall be temporarily maintained around disturbed areas for erosion control purposes and shall be kept undisturbed except for reasonable access for maintenance. The width of the strip shall be six percent (6%) of the lot width and depth. The minimum width shall be twenty-five (25) feet and the maximum shall be forty (40) feet. In no event shall these temporary strips be less than the width of the permanent buffers required for the development.
 20. A minimum strip twenty-five (25) feet wide, undisturbed except for reasonable access, shall be provided along each side of streams having a peak ten-year storm flow rate of greater than one hundred fifty (150) cubic feet per second. The twenty-five (25) foot strip shall be measured from the top of the bank. An exception to this requirement is allowed where the only work being done on the site is public street construction.
 21. Care shall be exercised to minimize the risk of damage from or to pedestrian and vehicular traffic in the vicinity of a cut or fill by placement of handrails, guardrails, fencing or landscaping.
- I. Unified plan and permit One plan may be submitted incorporating all provisions for compliance with the applicable city zoning, drainage, stormwater detention, grading, clearing, filling, cutting, quarrying, and construction requirements.
- J. Miscellaneous
1. Grading plans shall conform to the Phase II Stormwater Regulations as established by United States Environmental Protection Agency's

regulations, Region VI published in the July 6, 1998 Federal Register or its latest revisions.

- 2. A copy of the ADEQ NOI permit shall be required for all sites of one (1) acre or more.

K. Transition period Any construction or development project which has received a development or building permit under prior provisions of the Greenland Code shall come into full compliance with the requirements of this ordinance within thirty (30) days of its effective date.

L. Fees A fee for each grading permit shall be paid to the city as follows:

<u>Total project area</u>	<u>Fee</u>
1 acre or less (or actual costs if an engineer or other professional is consulted by the Planning Department Leader in approving/considering the grading permit)	\$100.00
Greater than 1 acre but less than 5 acres (or actual costs if an engineer or other professional is consulted by the Planning Department Leader in approving/considering the grading permit)	\$200.00
5 acres and greater (or actual costs if an engineer or other professional is consulted by the Planning Department Leader in approving/considering the grading permit) (Ord. No. 266, Sec. 4.)	\$300.00

11.40.05 Enforcement

A. Enforcement personnel authorized The following personnel shall have the power to issue notices of violations and implement other enforcement actions under this ordinance as provided by the city of Greenland:

- 1. All inspectors employed by the city of Greenland.
- 2. The Planning Department Leader or his/her authorized representatives.

B. Right of entry and sampling

1. Whenever the Planning Department Leader has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance, the Planning Department Leader or his authorized representative shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this ordinance. In the event that the owner or occupant refuses entry after a request to enter has been made, the city is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.
2. The city shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges.

C. Enforcement procedures This policy establishes a formal enforcement procedure to be followed by the city of Greenland Planning Department Leader when enforcement action is necessary on sites that do not comply with the city's Stormwater Pollution Prevention, Erosion Control, and Grading Ordinance. Enforcement cases can be generated in any of three ways: (1) through the construction review process; (2) through complaints from individuals, groups, etc; and (3) through referrals from city/state agencies. Procedures to be followed for each of these methods are outlined below.

1. Construction review Every effort is made to use the construction review process to correct deficiencies in site compliance whenever possible. Should that process fail to achieve expected results or if the site reviewer feels that a violation is serious enough to warrant enforcement action, the following procedures shall be followed:
 - a. Issuance of notice of violation If site deficiencies are noted, the owner/developer or authorized agent shall be given a notice of violation. The notice of violation shall be specific as to the noted violation, corrective measures to be taken, and time frame allowed to complete the work.
 - b. Compliance review At the end of the time period specified above, a follow-up site inspection shall take place to determine whether compliance has been achieved. Depending on that determination, the following actions may occur:

- (1) Site violations corrected: If all previous site violations have been corrected the site reviewer shall issue an inspection report stating that fact and the site shall be returned to a normal construction review status.
 - (2) Previous violations not corrected: If previously noted violations have not been satisfactorily corrected, the further actions may be initiated as outlined in the following section.
2. Submission from the general public Members of the general public may submit information pertaining to this ordinance to the city of Greenland. The Planning Department Leader will consider such submissions as they pertain to the implementation and enforcement of this ordinance and will provide written or verbal response to the person submitting the information within fifteen (15) working days.
3. Referrals from other agencies will be handled in the following manner:
 - a. Cases will be referred directly to the Planning Department Leader. At this point the Planning Department Leader will determine if enforcement actions are warranted and if proper documentation has been obtained. If the Planning Department Leader determines that action is required, the enforcement process will be set into motion.
 - b. Cases received by the Planning Department Leader will be handled on a first come, first served basis. All enforcement actions will be initiated by a site inspection to verify site conditions that caused the case to be referred. If conditions have been corrected or do not exist as stated in the referral, the case will be returned to file for documentation and reporting purposes. If conditions exist as stated in the referral, enforcement actions will proceed. (see 3c)
 - c. Once site conditions have been verified and the site is determined to be in a state of non-compliance two avenues of enforcement can be pursued, one for the infrequent offender and one for the frequent offender.
 - (1) Infrequent offender If an individual or company is being reviewed by the Planning Department Leader for the first time or it has been at least three (3) years since the last violation (36 months has elapsed since last review), notice

to comply will be issued to the owner/developer informing them they are not in compliance with 11.40 of the Greenland Municipal Code, the steps needed to be taken to get into compliance, and that they have an established time frame to complete the work. At the end of the period the Planning Department Leader will re-inspect to check for compliance. If all work has been satisfactorily completed, the case will be returned to file for documentation and reporting purposes. If the work has not been satisfactorily completed within the established time frame a citation (ticket) will be issued to the owner developer and follow up will be done until the site is brought into compliance.

- (2) Frequent offender If an individual or company has been reviewed by the Planning Department Leader at any time in the preceding thirty-six (36) months, they will be considered repeat offenders. Repeat offenders will be issued a citation (ticket) by the Planning Department Leader upon verification of non-compliance with 11.40 of the Greenland Municipal Code. Follow-up will continue until the site has been brought into compliance.

D. Enforcement option for failure to comply

1. City of Greenland Planning Department Leader may issue a stop work order to any persons violating any provision of 11.40 of the Greenland Municipal Code by ordering that all site work stop except that necessary to comply with any administrative order.
2. City of Greenland Planning Department Leader may request that the city of Greenland refrain from issuing any further building or grading permits until outstanding violations have been remedied.
3. City of Greenland Planning Department Leader may initiate penalties as stipulated herein. Complete information concerning enforcement and penalties is described below.

- E. Action without prior notice Any person who violated prohibition or fails to meet a requirement of this article will be subject, without prior notice, to one or more of the enforcement actions, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge which presents or may present imminent danger to the environment, or to the health or welfare of persons, or to the storm drainage system.

F. Enforcement actions

1. Recovery of costs Within thirty (30) days after abatement by city representatives, the Mayor or his/her designee shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. The property owner may protest the assessment before the City Council. The written protest must be received by the Mayor's office within fifteen (15) days of the date of the notification. A hearing on the matter will be scheduled before the City Council. The decision of the City Council shall be final. If the amount due is not paid within the protest period or within ten (10) days of the decision of the City Council, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Clerk so that the Clerk may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the Treasurer shall include the amount of the assessment on the bill for taxes levied against the parcel of land.
2. Termination of utility services After lawful notice to the customer and property owner concerning the proposed disconnection, the Mayor shall have the authority to order the disconnection of city water, sanitary sewer and/or sanitation services, upon a finding by the Planning Department Leader that the disconnection of utility services will remove a violation of this article that poses a public health hazard or environmental hazard.
3. Performance bonds Where necessary for the reasonable implementation of 11.40 of the Greenland Municipal Code, the Mayor may, by written notice, order any owner of a construction site or subdivision development to file a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Planning Department Leader to be necessary to achieve consistent compliance with this article. The city may deny approval of any building permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction or to assume occupancy, until such a performance bond has been filed. The owner may protest the amount of the performance bond before the City Council. The written protest must be received by the Mayor's office within fifteen (15) days of the date of the notification. A hearing on the matter will be scheduled before the City Council. The decision of the City Council shall be final.
4. Criminal prosecution Any person who violates or continues to violate a prohibition or requirement of this article shall be liable to criminal

prosecution to the fullest extent of the law, and shall be subject to criminal penalties.

G. Criminal penalties The violation of any provision of this ordinance shall be deemed a municipal offense. Any person violating this ordinance shall, upon an adjudication of guilt or a plea of guilty or no contest, be fined according to the schedule of fines. Each separate day on which a violation is committed or continues shall constitute a separate offense.

1. Other legal action Notwithstanding any other remedies or procedures available to the city, if any person discharges into the storm drainage system in a manner that is contrary to the provisions of this ordinance, the City Attorney may commence an action for appropriate legal and equitable relief including damages and costs in any court of competent jurisdiction. The City Attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

2. Violations/schedule of fines A violation of any of the foregoing provisions shall be punished in accord with the following schedule of fines:

<u>Offense</u>	<u>Fine (per offense)</u>
First	\$1,000
Second	\$2,000
Third	\$4,000
Fourth and subsequent offenses	\$8,000

(Ord. No. 266, Sec. 5.)

CHAPTER 11.44

ENERGY AND FUEL GAS CODE

Sections:

11.44.01 Energy and Fuel Gas Code

11.4..01 Energy and Fuel Gas Code There is hereby adopted by the City Council of Greenland, Arkansas, the 2014 Energy Code for New Building Construction (IECC – International Energy Construction Code) and the 2006 Arkansas Fuel Gas Code of which three (3) copies thereof have been and are now open to public examination (either electronically or by hard copy) in the office of the Recorder of Greenland, Arkansas. Said code is hereby adopted and incorporated as fully as if set out word for word herein. The provisions thereof shall be controlling within the corporate limits of the city of Greenland, Arkansas, on the effective date of this ordinance. (Ord. No. 318, Sec. 1.)