

## ORDINANCE NO. 2008-03

AN ORDINANCE TO REQUIRE SUBSTANTIAL PROGRESS ON CONSTRUCTION WITHIN THE CITY; DEFINING SUBSTANTIAL PROGRESS; REQUIRING INSURANCE; AND PROVIDING A PROCEDURE TO OBTAIN AN EXTENSION FOR BUILDING PERMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, SHARP AND FULTON COUNTIES, ARKANSAS, THAT:

### SECTION 1: Permits

(1) Fees paid. A permit shall not be issued until the fees prescribed have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems has been paid.

(2) Expiration. Every permit issued hereunder shall expire by limitation and become null and void if construction/installation authorized by permit is not commenced within six months from the date of such permit, or if the construction/installation authorized by such permit is abandoned for a period of six months at any time after the construction/installation is commenced. Before such installation can begin or be recommenced, a permit extension fee shall be paid or a new permit shall be secured for the unfinished portion of the installation as required by the Planning and Zoning Commission.

### SECTION 2: Liability insurance.

(1) The following shall be required to carry liability insurance.

- (a) Every licensed master electrician applying for an electrical permit;
- (b) Every licensed supervising gas fitter actively engaged in gas installations;
- (c) Every licensed mechanical/HVACR licensee engaged in mechanical installations.
- (d) Every licensed master plumber actively engaged in plumbing installations.

(2) Liability insurance shall be carried as set out below:

- General aggregate \$100,000.00
- Personal and advertising \$100,000.00
- Each occurrence \$100,000.00

Each certificate shall indicate name of insurance company issuing policy, name of insured, policy number, effective and expiration date, and signature of authorized representative of insurance company.

### SECTION 3: Responsibilities of permit applicant.

(1) Notice to city. It shall be the duty of the permit applicant or his or her authorized representative to give notice to the city building inspector when an installation is ready for an inspection.

(2) Installation ready for inspection. It shall be the duty of the permit applicant to make sure that the installation is ready for inspection before the inspection is requested.

(3) Provide ready access. It shall be the duty of the permit applicant to provide ready access to the premises where the requested inspection is to be made.

SECTION 4: Exemptions. The assembly and erection of approved equipment by the manufacturer of such equipment, except electrical, gas, mechanical, and plumbing connections to said equipment, shall be exempt from permitting and inspection provisions.

SECTION 5: Uncovering work. Any installation or part thereof which is installed, altered, or repaired and covered before being inspected shall be uncovered for inspection as required by the building inspector.

SECTION 6: Certificate of occupancy.

(1) Required. In addition to the building permit fee, buildings and parts of buildings shall not be occupied before a certificate of occupancy is executed and issued by the building inspector.

(2) Copy upon request. The owner of a single family and multi-family residential dwelling will receive a copy of the certificate of occupancy if requested.

SECTION 7: Building permit duration.

(a) Substantial progress required. Every permit issued for new construction of or additions to a dwelling shall become invalid and the building may be declared a property nuisance unless the work authorized by such permit demonstrates substantial progress.

Substantial progress shall be defined as:

(i) All footing and slab inspections completed and approved no later than 90 days from the date the permit is issued.

(ii) All rough-in inspections completed and approved no later than 180 days from the date the permit is issued.

(iii) All work completed and approved including Certificate of Occupancy no later than 365 days from the date the permit is issued.

(b) Granting extensions. The city Planning and Zoning Commission is authorized to grant, in writing an extension of up to 180 days in time based on the complexity of the project. Extensions of time exceeding 545 days may only be granted by the city council for good cause shown by the builder.

(c) Issuance of new building permit for unfinished project. No new building permits may be issued for property for which a building permit has expired unless approved by the city council for good cause shown by the applicant and adequate assurance that the project will be completed within the time frame authorized by the city council.

SECTION 8: SEVERABILITY. If any section of this ordinance is held to be invalid, that part shall be deemed severable and the invalidity thereof shall not affect the remaining sections of the ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CHEROKEE VILLAGE, ARKANSAS

DATE July 17, 2008

APPROVED: Lloyd Hefley  
Lloyd Hefley, Mayor

ATTEST: Phyllis J. Endrihs  
Phyllis Endrihs, Clerk/Treasurer