

CHAPTER 7**FIRE PREVENTION CODE**

- Art. I. Fire Prevention Code, § 15-7-1
 Art. II. Permit Fees, § 15-7-2
 Art. III. Fireworks, § 15-7-3
 Art. IV. Energy Code Standards, §15-7-4
 Art. V. Fire District, § 15-7-11

ARTICLE I. FIRE PREVENTION CODE**15-7-1. Fire Prevention Code.****15-7-1.1. Short title.**

This Code shall be known and cited as the Hot Springs Fire Prevention and Building Code, 2012 Edition.

15-7-1.2. Adoption of standard codes.

The State of Arkansas, Arkansas Fire Prevention Code (AFPC), 2012 Edition, Volumes I, II and III, as amended hereinafter, is hereby adopted by reference as though set out herein word for word. The International Fire Code, 2012; the International Building Code, 2012, and the International Residential Code, 2012, as published by the International Code Council including such Appendixes thereto as adopted by the Arkansas Fire Prevention Code, 2012 Edition, and the rules and regulations added by amendment by the State Fire Marshall shall constitute the Arkansas Fire Prevention Code, 2012 Edition. Said Codes shall collectively be known and cited as the Arkansas Fire Prevention Code (AFPC) and together with this ordinance shall constitute the Hot Springs Fire Prevention and Building Code. (Ord.No. 6049, §3, 10-7-2014)

15-7-1.3. Permit fees.

A permit fee shall be paid at the time of filing the permit application in accordance with such fee schedule as may now or hereinafter be approved by resolution of the Board of Directors. No permit shall be issued to any person, firm or corporation without evidence of payment of the appropriate occupation tax if otherwise required and payment of any other fees or costs due the City of Hot Springs.

Editor's note-See §15-7-2 for permit fee schedule.

Editor's note-The Fire Prevention Codes are on file in the office of the city clerk and the code compliance department.

Cross reference-Fire lane parking regulation, § 4-6-20; violation of building and development codes - disconnection of water service, §15-1-8, permit issuance prohibited if indebted to city, §4-11-2; Fireworks, §15-7-3; board of adjustments and appeals, §2-8-14.

15-7-1.4. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

15-7-1.5. Additions, deletions and revisions.

The Arkansas Fire Prevention Code (AFPC), is hereby amended by adding the following new sections or additions to such existing sections as appropriate and deleting or revising certain sections as indicated hereinafter.

- (a) *Related codes.* References to an Electrical, Gas, Mechanical or Plumbing Code, are hereby amended to mean such technical codes, as may now or hereafter be adopted by the City of Hot Springs.
- (b) *Unsafe buildings.* Unsafe buildings, structures or service systems shall be abated by repair and rehabilitation or by demolition in accordance with the applicable ordinances of the City of Hot Springs relative to such repair, rehabilitation or demolition.
- (c) *Moving permits.* Upon issuance of a permit for the moving of any building or structure, the Building Official shall cause notice to be given to all City departments, utility companies, and other such parties whose property or interests may be affected by the move. Said notice shall be issued at least forty-eight (48) hours before the movement is actually begun. The notice shall state the route to be taken and the commencement and completion times and dates. The Chief of Police and the Building Official shall have authority to prescribe the route and hours for the move, and such route and hours shall be specified upon the permit prior to approval and issuance by the Building Official. All buildings or structures moved in the City of Hot Springs shall be accompanied by an adequate police escort as prescribed by the Chief of Police.
- (d) **Building Heights**
 - I. Building heights. Any reference to 30 feet (9144 mm) in section 905.3.1 of the International Fire Code and the International Building Code is hereby changed to 20 feet and the following exception is hereby added to said sections 905.3.1: “Class I dry standpipes are allowed in R-I occupancy where the floor level of the highest story is located less than 30 feet above the lowest level of the fire department vehicle access.
 - II. Building heights in Thermal Basin District. Any building over 20 feet in height must have a Class I standpipe system installed in accordance with NFPA 14.
- (e) *Fire department connections.* Section 903.3.7 of the International Fire Code is hereby amended to read as follows: “All fire department connections shall be within 50 feet of a fire hydrant.” Distance could be increased to 100 feet where allowed by the Fire Code official.

- (f) Type V (wood) construction. Type V construction is allowed in the Fire District, if the structure is protected throughout with an Automatic Sprinkler System in compliance with the Arkansas Fire Prevention Code and is not less than twenty (20) feet from any other structure or property line. (Ord. No. 5741, § 1, 11-3-09)
(Ord. No.6049, 10-7-2015)
- (g) Any habitable space containing a closet shall comply with the requirements of a bedroom (sleeping unit).

ARTICLE II. PERMIT FEES

Permit Fees as associated with the Fire Prevention and Building Code for the City of Hot Springs are hereby adopted as follows:

15-7-2. Permit fees.

The following fee schedules are hereby adopted pursuant to the Arkansas Fire Prevention Code.

15-7-2.1. Building permit fee schedule.

The following “building permit fee schedule” is hereby adopted as the approved fee schedule for the Arkansas Fire Prevention Code.

BUILDING PERMIT FEE SCHEDULE

A. BUILDING PERMIT FEES.

Building permit fees shall be based on the construction valuation of the proposed structure as follows. The valuation shall establish using the latest edition of “RS Means Square Foot Costs” for the Hot Springs area.

- (1) Incentive Permit Fee Waiver. Permit fees for Hot Springs Housing Authority are exempt from compliance with HSC § 15-4-5(A) effective June 1, 2017 through December 31, 2018. (Ord. No. 6198, §1, 6-6-2017)

<u>Total Building Valuation</u>	<u>Permit Fee</u>
	\$0.00 to \$1,500 \$11.25
\$1,501 to \$50,000	\$11.25 plus \$3.75 for each thousand or fraction thereof from \$1,501 to and including \$50,000.

\$50,001 to \$100,000	\$195.00 for the first \$50,000, plus \$3.00 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$342.00 for the first \$100,000 plus \$2.25 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,001 and up	\$1,242.75 for the first \$500,000 plus \$1.50 for each additional thousand or fraction thereof.

B. BUILDING MOVING FEE.

The permit fee for the moving of any building or structure is \$50.00.

C. DEMOLITION FEE.

The permit fee for the demolition of any building or structure is \$50.00.

D. PLAN CHECKING FEE.

When the proposed construction is of significant technical complexity and a plan is required to be submitted in accordance with the applicable provisions of the building code, a plan checking fee shall be paid at the time of submitting plans and specifications for checking. Said plan checking fee shall be equal to one-half (1/2) of the building permit fee. Such plan checking fee is in addition to the building permit fee.

- (1) Incentive Planning Check Fee Waiver. Permit fees for Hot Springs Housing Authority are exempt from compliance with HSC § 15-4-5(A) effective June 1, 2017 through December 31, 2018.

E. TEMPORARY STRUCTURE & USE PERMIT FEE.

A permit fee of \$50.00 shall be charged for each temporary structure or use as defined by the International building code. Said fee shall be in addition to any other fees or charges as may be required by the transient merchant or occupation tax ordinances of the city.

F. EDUCATIONAL PROGRAM SURCHARGE.

A surcharge in the amount of fifty cents (.50) per each one thousand dollars (\$1,000) of construction authorized on any non-residential construction permit issued by the City of Hot Springs is hereby imposed to financially support the craft training education program as authorized by the Arkansas Construction Industry Craft Training Act (A.C.A. ' 6-55-106). The maximum surcharge for any construction project permitted shall be one thousand dollars (\$1,000). This surcharge shall be collected and administered in accordance with such rules and regulations as may be prescribed by the Chief Fiscal Office of the State of Arkansas and as authorized by the Arkansas Construction Industry Craft Training Act..

G. REINSPECTION FEE.

A re-inspection fee of \$50.00 shall be paid for each re-inspection necessitated by the failure of any inspection as required by the Arkansas Fire Prevention Code. Provided, however, that a re-inspection fee shall not be required for the first re-inspection.

H. PENALTY.

Where work for which a permit is required by the Arkansas Fire Prevention Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be tripled, but the payment of such triple fee shall not relieve any persons from fully complying with the requirements of the said code in the execution of the work nor from any other penalties prescribed therein.

I. REFUNDS/SUBSTITUTIONS.

Once permit fees have been paid, they shall not be refunded. If one permitted contractor is replaced by another permitted contractor, a new building permit shall be issued and the appropriate fees paid.

J. AFTER-HOURS INSPECTIONS.

Shall be \$40.00 per hour or portion thereof with a 3 hour minimum.

Editor's note -The administrative policy for after-hours construction code inspections is on file in the office of the city clerk.

Cross reference - §15-1-9, Building and Construction Code Fee Waiver; §4-11-2, Permit issuance prohibited if indebted to city.

15-7-2.2. Fire department permit and inspection fee schedule.

(a) The following "Fire Department Permit and Inspection Fee Schedule" is hereby adopted as the approved fee schedule for various services conducted by the Hot Springs Fire Department pursuant to the Arkansas Fire Prevention Code.

FIRE DEPARTMENT PERMIT AND INSPECTION FEE SCHEDULE**A. INSPECTIONS**

Description	Fee	Code Reference #
Day care	30.00	106
Foster home (\$300.00 maximum fee)	30.00	106
Health care facility	500.00	106
Miscellaneous required inspections	50.00	106
Certificate of occupancy	50.00	106

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B. PLAN REVIEW FEES

Description	Fee	Code Reference #
Sprinkler plan reviews	.05 per square foot	901.2
Fire alarm plan reviews	.05 per square foot	907.1.1

C. CONSTRUCTION PERMITS

Description	Fee	Code Reference #
Fire sprinkler/test	\$50.00 minimum fee for 1 to 100 heads plus 50¢ per head over 100	105.7.1
Standpipe system test	\$50.00	105.7.15
Automatic hood fire extinguisher test	\$50.00	105.7.1
Fuel tank leak test	\$50.00	105.7.7
Fuel fine leak test	\$50.00	105.7.7
Automatic fire alarm system test	\$50.00 minimum fee for 1 to 100 devices plus 50¢ per device over 100	105.7.6
Compressed gas systems	\$50.00	105.7.2
Fire pumps and related equipment	\$50.00	105.7.7
Hazardous materials storage	\$50.00	105.7.9
Private fire hydrant	\$50.00	105.7.12
Industrial ovens	\$50.00	105.7.10
L.P. gas	\$50.00	105.7.11
Spraying or dipping operations	\$50.00	105.7.14

D. OPERATIONAL PERMITS

Description	Fee	Code Reference#
Aerosol products	\$30.00	105.6.1
Amusement buildings	\$30.00	105.6.2
Aviation facilities	\$30.00	105.6.3
Carnivals & fairs	\$30.00	105.6.4
Battery systems	\$30.00	105.6.8
Compressed gases	\$30.00	105.6.13
Exhibits & trade shows	\$30.00	105.6.14
Fire hydrants and valves	\$30.00	105.6.1
Explosives	\$30.00	105.6.2

D. OPERATIONAL PERMITS (continued)

Flammable and combustible liquids		\$30.00	105.6.16
Hazardous materials		\$30.00	105.6.20
HPM facilities		\$30.00	105.6.22
High-piled storage		\$30.00	105.6.22
Hot work operations		\$30.00	105.6.23
Liquid or gas fueled vehicles or equipment in assembly buildings		\$30.00	105.6.26
Open burning		\$25.00	105.6.3
Open flames & candles		\$30.00	105.6.32
Places of assembly		\$100.00	105.6.34
Pyrotechnic special effects material		\$30.00	105.6.36
Spraying or dipping (automotive painting)		\$30.00	105.6.41
Storage of scrap tires & tire byproducts		\$30.00	105.6.42
Temporary structures (tents)		\$30.00	105.6.43
Tire rebuilding plants		\$30.00	105.6.44
Waste handling		\$30.00	105.6.45
Wood products (cabinet shops)		\$30.00	105.6.46
REINSPECTION FEES WILL BE SAME AS INITIAL INSPECTION FEE			

E. BURN PERMITS

Burn permits Twenty-Five Dollars (\$25.00)*

*Burn permits issued to private citizens for controlled burns at their primary residence shall be no charge.

(b) The fee schedule adopted by section (a) is hereby waived for government agencies and nonprofit organizations as evidenced by a tax exempt status from the Internal Revenue Service or the State of Arkansas.

Editor's note - §15-7-2.2 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.

Cross reference - §15-1-9, Building and Construction Code Fee Waiver; §4-11-2, Permit issuance prohibited if indebted to city.

(Res. No. 6519, 3-5-2007))

ARTICLE III. FIREWORKS

Regulations regarding Retail Fireworks as associated with the Fire Prevention and Building Code for the City of Hot Springs are hereby adopted as follows:

15-7-3. Retail fireworks.**15-7-3.1. Retail fireworks - Sales restrictions.**

The provisions of the Standard Fire Code as may now or hereafter be adopted and enforced by the city of Hot Springs pertaining to the retail sale of fireworks is hereby amended to permit the retail sale of fireworks under the following circumstances only:

- (a) Fireworks sales. Any provisions pertaining to the retail sale of fireworks is hereby amended to permit the retail sale of fireworks only to the extent provided by Ordinance No. 4691 adopted December 15, 1997.
- (b) Discharge of fireworks. The possession, sale and discharge of fireworks within the corporate limits of Hot Springs is prohibited except as may be permitted pursuant of the Arkansas Fire Prevention Code 2012 edition Chapter 56.
- (c) *Areas annexed prior to December 31, 1997.* The retail sale of fireworks (fireworks stands) are hereby permitted at 2600-2626 Albert Pike and at 4432 Central Avenue; provided, however, that no additional stands may be operated at either of these locations and that said stands shall be permitted only as long as they remain in operation by the original owner(s) as evidenced by issuance of the annual business license permit and actual operation during the appropriate seasons.
- (d) *Voluntary annexations after January 1, 1998.* The retail sale of fireworks is hereby permitted on any property voluntarily annexed into the city by petition of the property owner(s) after January 1, 1998; provided, however, that no additional stands may be operated following such annexation than were operated during the year immediately prior to said annexation; and that said stands shall be permitted only as long as they remain in operation by the original owner(s) as evidenced by issuance of the annual business license permit and actual operation during the appropriate seasons.
- (e) *Annexations by election.* Retail sale of fireworks shall be permitted within any area annexed to the city of Hot Springs by election after January 1, 1998, for one year from the effective date of said annexation. Under no circumstances shall the retail sale of fireworks be permitted in any such area for more than one year from the effective date of the annexation by election.

15-7-3.2. Fireworks sales occupation tax.

Any retail fireworks establishments operating in accordance with the provisions of this ordinance shall pay the appropriate annual occupation tax and business license fee.

Cross reference-Occupation tax schedule, § 5-3-9, subsector 9952.
(Ord. No. 6049, §2,10-7-2014)

15-7-4--15-7-9. Reserved.

ARTICLE IV. ENERGY STANDARDS

15-7-10. Arkansas energy code for new building construction.

The 2014 Arkansas Energy Code for New Building Construction, as amended by the 2014 Arkansas Energy Code for New Building Construction, copies of which are attached to this ordinance, and made a part hereof, is hereby adopted. (Ord. No.6056, § 1, 12-16-2014)

Editor's note-The 2014 Arkansas Energy Code and the International Energy Conservation Code, 2003 Edition, as amended, are on file in the office of the city clerk and the code compliance department.

ARTICLE V. FIRE DISTRICTS

15-7-11 Fire Districts**15-7-11.1. Fire district established.**

A fire district is hereby created and established for the territory located within the corporate limits of the city of Hot Springs as described in Attachment A hereto and as illustrated by the attached map. Whenever reference is made to the “fire district” in the building and construction technical codes as adopted by the city of Hot Springs, it shall be construed to mean the fire district created and established by this ordinance.

(Ord. No. 4469, §1, 3-6-95)

Editor's note-Attachment A to Ord. No. 4469 is on file in the Office of the City Clerk.

15-7-11.2. Thermal Basin Fire District

That the Fire Prevention Code of the City of Hot Springs, Arkansas (Ordinance 5668, as amended), is hereby further amended by adding a new Fire District, which shall be created and established for territory located within the corporate limits of the City of Hot Springs, known as the Thermal Basin Fire District, further described in “Attachment A” and illustrated by the attached map “Attachment B”.

- A. **Maintenance of Structures.** Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. Any requirements made by the provisions of the International Existing Building Code 2012 Edition or requirements made by the Arkansas Fire Prevention Code Volumes I & II, 2012 Edition shall be enforced by the City. The City of Hot Springs Vacant Building Code shall be applicable only to single family- and duplex-residential structures.
- B. **Conflicting Code Entries.** Should a conflict arise between this and any other provision of adopted Hot Springs Codes the more restrictive provision shall prevail.
- C. **Applicable Codes.** The Arkansas Fire Prevention Code Volume I, 2012 Edition, Arkansas Fire Prevention Code Volume II, 2012 Edition, Arkansas Fire Prevention Code Volume III, 2012 Edition, International Existing Building Code 2012 Edition and other requirements or codes shall be enforced by the city as applicable.

15-7-11.3 Appeals

Appeals of decisions and interpretations of the administrative authority and consideration of variances from this Code shall be conducted by such board of adjustments and appeals as may now or hereafter be created or designated by the board of directors.

(Ord. No. 6049, §4, 6, 10-7-2014)