TITLE 15

BUILDING AND CONSTRUCTION

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Supplement No. 35
15-1-1. Home builders - State certificate of registration.

(a) Applicants for a permit pursuant to the building codes of the city for the construction of a dwelling from one (1) to four (4) units in design, intended principally for residential purposes, shall include a copy of such applicant's certificate of registration issued by the secretary of state pursuant to the provisions of A.C.A. 17-47-101 et seq., as the same may be amended from time to time, and a statement by such applicant that such certificate of registration is in full force and effect, or evidence that the applicant is exempt from the provisions of said A.C.A. 17-47-101 et seq. Provided further, that applicants for said permits may maintain on file with the city a current certificate of registration in lieu of submission of said certificate with each such permit application.

(b) The requirements of this section shall be deemed to be independent of the requirements of any other ordinance for the issuance of permits for such construction. (Ord. No. 3934-A, §§ 1, 2, 11-16-87)

15-1-2. Building address placement and assignment.

(a) Number placement. The owner, agent for the owner, or occupant or agent of any house, building or structure, which has been assigned a street address, shall place their assigned street address number on said building in accordance with this section. Street address numbers shall be arabic numerals only, not less than four (4) inches in height with a minimum stroke width of one-half (½) inch and shall contrast with their background. The numbers shall be conspicuously placed immediately above, on or at the side of the primary entrance of each structure so that the number can be seen plainly from the street on which the number is assigned. Whenever any building is situated so that the address number is not clearly discernible from the street, or vision of the building is otherwise obscured, the address number shall be placed near the walk, driveway or other such common entrance to said building and affixed upon a gate post, fence, mailbox, post or other appropriate place so as to be easily discernible from the street. Numbers may, in addition, be painted or stenciled on the street curb; however, such curb placement shall not be a lawful substitute for the display of the address number as prescribed by this section. (Ord. No. 5507, §1, 12-4-06)

(b) Address assignment. Any owner or agent proposing to erect or otherwise locate within the city any house, building or structure in need of an official address assignment shall apply to the city planning department or such other city office or official as may now or hereafter be designated by the city manager for such purpose. No construction permit of any type shall be issued or any utility service connection shall be permitted until such address assignment has been made by the designated city or county official in accordance with the policies and procedures of the 911 emergency calling program as may now or hereinafter be promulgated.
(c) **New or existing construction projects.** All new building construction projects shall, in addition to compliance with the applicable construction codes (building, electrical, plumbing and/or mechanical), comply with the requirements of subsection (a) hereof as a condition for the issuance of the certificate of occupancy. Existing structures shall comply with the requirements of subsection (a) hereof as a condition for the issuance and clearance of any building, electrical, plumbing and/or mechanical permit.

(d) **Notice.** Any person, firm or corporation found to be in violation of this ordinance shall be notified by the city manager or his/her designee of such violation and shall be granted a period of twenty (20) calendar days from the date of the notice to correct the violation or to request a hearing or said persons to state reasons why they are not in violation of this ordinance. (Ord. No. 4328, §1–4, 8-2-93)

(e) **Penalty.** The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal 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. (Ord. No. 4960, § 12, 3-5-01)

Cross reference—Street naming and numbering guide, §§ 12-2-5, 12-2-6; curb painting and marking, § 10-8-3.

15-1-3. Reserved.

Editor’s note—Construction Trades Advisory Committee, previously codified in this section, has been moved to §15-1-11.
15-1-4. Use of dynamite or any other explosives.

The following regulations shall govern the use of dynamite or any other explosives within the city of Hot Springs, Arkansas.

15-1-4.1. Exemptions.

(a) This ordinance does not apply to:

(1) fireworks displays authorized under the Fire Prevention Code;

(2) public utility companies operating and required to furnish a public service under a franchise or other consent granted by the city that pays to the city an annual franchise or privilege tax, or an annual tax in lieu of a franchise or privilege tax;

(3) boards, agencies, departments, or commissions of the city.

(b) Any such public utility, agency, board or commission exempted under subsection (a) of this section shall, before doing any blasting within the city, file with the city engineer, a safety plan or outline containing the rules and conditions under which it will conduct blasting. Such rules and conditions shall be reasonably calculated, in the opinion of the director of public works, to safeguard the public both as to persons and property in connection with the blasting. It is unlawful to fail to comply with such rules and conditions.

15-1-4.2. Permit.

(a) It shall be unlawful for any person to use dynamite or any other explosive without first obtaining a permit for same from the city engineer.

(b) Such a permit shall be granted only if the location of the explosion is such that:

(1) The explosion will not be likely to cause injury to persons or property.

(2) No public utilities or public property will likely be affected adversely without the consent of the utility company or department so affected.

(c) Prior to the issuance of a permit, a fee of thirty dollars ($30.00) for each day of blasting to be performed shall be paid. The fee shall be paid to the city when the permit is issued.

(d) Prior to the issuance of a permit, the applicant shall produce satisfactory evidence of:
15-1-4.2 BUILDING AND CONSTRUCTION IN GENERAL

(1) Public liability insurance in a sum of not less than one hundred thousand dollars ($100,000.00) for any one (1) person and three hundred thousand dollars ($300,000.00) for all persons who may be personally injured and one hundred thousand dollars ($100,000.00) for property damage to the property of any one (1) and all persons.

(2) A surety bond in the penal sum of one thousand dollars ($1,000.00) per day, conditioned upon compliance with the provisions of this ordinance and the payment of all sums due under this ordinance by way of fees or otherwise.

15-1-4.3. Supervision.

The city engineer or his duly authorized agent shall personally witness the shooting of all explosives and shall be given reasonable notice by the person in charge of the shooting of the time, place and circumstances of same.

15-1-4.4. Safety precautions.

Any person using explosives shall cover the orifice with mats or timbers of sufficient width, length and thickness, or other safety precautions approved by the city engineer so as to prevent fragments of the rock, earth and debris from ascending into the air.

15-1-4.5. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs municipal 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.

(Ord. No. 5040, §1, 1-7-02)

State law reference—Explosives, the injuring of property thereby, and penalty, A.C.A., § 20-27-1101 et seq.

15-1-5. City facilities construction projects - Policy.

All buildings and facilities, regardless of location, designed or constructed by the City of Hot Springs or its agents shall be so designed and constructed in compliance with applicable codes, rules and regulations, and that any architect and/or engineer associated with the design or construction of such buildings and facilities shall certify that the plan and specifications of same are in compliance therewith. (Res. No. 7083, 3-3-09)

Editor’s note—§ 15-1-5 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.

(a) From and after the date of the passage of this section, no person, firm or corporation shall cause to be blocked any drainage ditch along any street right-of-way within the corporate limits of the city of Hot Springs, Arkansas. Any driveways or other structures erected across drainage ditches shall be provided with adequate tiling so as to insure the continuing flow of drainage water through said ditch.

(b) No person shall cause any substance to be emptied into any storm drain within the corporate limits of the city of Hot Springs, Arkansas, that shall cause said drain to become clogged, or in any way impede the natural flow of water through said storm drain.

(c) Any person, firm, or corporation who shall violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00).

(d) In addition, any person who shall violate the provisions of this section shall, upon proper notification by the Hot Springs city engineer, cause the same to be immediately corrected. If, within ten (10) days, the obstruction or blockage is not corrected by the person, firm, or corporation, the city of Hot Springs shall be authorized to correct the problem, and to charge the cost thereof to the offending property owner. (Ord. No. 3088, § 1-4, 3-15-71)

Cross reference-Drainage Specifications Ordinance, Title 15, Chapter 11.
15-1-7. Fee schedule - Excavations, utility cuts, curb cuts and driveway construction within public right-of-way.

The following fee schedule for all excavations, utility cuts, boring, curb cuts and driveway construction within any street right-of-way is hereby adopted:

**FEE SCHEDULE**

1. Permit fee -- Twenty-five Dollars ($25.00) per address for excavation(s), utility cut(s), boring, curb cut or driveway installation.

2. Block permit fee -- continuous longitudinal cuts of more than fifty (50) feet, or five (5) or more cuts in a single block shall be treated as a block permit with a fee of One Hundred Twenty-five Dollars ($125.00) per block. The block permit fee shall be in lieu of individual permits within the block.

3. Inspection fee -- Thirty-five Dollars ($35.00) per permit plus applicable permit fee and material charge.

4. Asphalt surfacing materials charge (when surfacing accomplished by city) -- Twenty-five dollars ($25.00) per square yard or actual cost if installed by city contractor, plus applicable permit and inspection fees.

(Res. No. 4970, 8-5-02)

Cross reference-Permit issuance prohibited if indebted to city, §4-11-2.

Editor's note-§ 15-1-7 was adopted by Resolution, but included in the Code or Ordinances due to its permanent nature.


In addition to the penalties and remedies as may otherwise be provided, the city manager or his designee shall order the disconnection of municipal water service to any person, firm or corporation who violates any provision of the city’s building and development codes including, but not limited to, failure to secure proper permits, failure to obtain required inspections and/or commencement of operations, business, or structure occupancy prior to issuance of a certificate of occupancy. (Ord. No. 4887, §1, 7-3-00)


In order to promote the provision of affordable housing within the city, the board of directors may agree, on a case-by-case basis, to waive some or all of the building and construction code permit fees. Any such decision to waive said fees shall be at the discretion of the board of directors and shall be made pursuant to the board’s goals and objectives to promote affordable housing. In this regard, eligible affordable housing projects shall be limited to such housing projects, within the corporate limits of the city, that are of primary benefit to low and moderate income persons, as defined by the United States Department of Housing and Urban Development (HUD). EN Provided, further, that such project must either be federally funded projects or projects funded by private non profit organizations. Projects seeking such fee waiver, either in whole or part, shall make application on such forms as may be prescribed by the building official. The building official shall process such applications for consideration by the board of directors. (Res. No. 6093, §5, 12-19-05)

Editor's note-§ 15-1-9 was adopted by Resolution, but included in the Code or Ordinances due to its permanent nature. The latest edition of HUD’s Income Limits for low and moderate income persons is on file in the Office of the City Clerk.
15-1-10. Board of Adjustments and Appeals.

15-1-10.1. Creation and authority.

There is hereby created a Board of Adjustments and Appeals (BAA) who shall have the following authority:

(a) Hear appeals from the decision of the administrative officers in respect to the enforcement and application of certain development codes as specified hereinafter, and may affirm or reverse, in whole or in part, the decision of the administrative officer. (For purposes of this ordinance, “administrative officer” shall mean that city official or department head responsible for the administration of a particular development code.)

(b) Hear requests for variances or waivers from the literal provisions of the specified development codes pursuant to the waiver or variance section of each such code.

(c) The BAA shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions.

(d) This ordinance shall be observed through denial of the issuance of applicable building permits and use permits.

(e) The BAA is hereby designated as the Board of Adjustments and Appeals for the following development codes and shall function pursuant to the applicable provisions of such codes relative to appeals, waivers and variances:

1. Arkansas Fire Prevention Code (Volume I, II, III) (Ord.No. 6049,§3,10-7-2014)
2. Flood Prevention Code
3. Hot Springs Excavating Code
4. Hot Springs Street Specifications Ordinance
5. Hot Springs Drainage Specification Ordinance
6. Hot Springs Landscape Code
8. Hot Springs Vacant Structure Code;
9. Hot Springs Public Tree Code; and
10. such other construction or development codes in which a Board of Appeals is required but not otherwise designated.

Cross references—§15-7-1.4, fire prevention code; §15-8-16, flood prevention code; §15-9-9, excavating code; §15-10-33, street specifications ordinance; §15-11-19, drainage specification ordinance; §16-9-10, landscape code; §17-2-7, property maintenance code; §17-3-1.17, vacant structure code; §17-6-8, public tree code.
15-1-10.2. Organization and membership.

The members of the Board of Adjustments and Appeals (BAA) shall be those members of the Board of Zoning Adjustments (BZA) as may now or hereinafter be appointed to the BZA by the Board of Directors. In this regard, the BAA terms of office and method of appointment shall be the same as that of the BZA.

15-1-10.3. Procedure.

The following procedure shall be used in presenting requests for waivers, variances or appeals to the Board of Adjustments and Appeals (BAA):

(a) Any person applying for a variance or waiver from any of the provisions of a particular development code or who is appealing a decision of the administrative officer must submit a written application to the appropriate administrative officer on forms provided by the city. The administrative officer will set a date for hearing before the BAA.

(b) Each session of the BAA shall be a public meeting with public notice of the meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting. Notification shall also be provided by the administrative officer to adjacent property owners by regular mail.

(c) At the hearing on the application, the BAA shall hear all interested parties with regard to the variance, waiver or appeal and may deny the application, grant the application without conditions, or grant the application with conditions.

(d) All applications to the BAA shall be accompanied by the prescribed fee, if any, applicable to the development code under which the appeal, waiver or variance is being presented.

(e) Decisions of the BAA may be further appealed to the Board of Directors. The appeal must be filed within thirty (30) days of the BAA’s action with the appropriate administrative officer. The administrative officer shall submit the appeal to the city clerk for inclusion on the next regular meeting of the Board of Directors agenda following the expiration of all notice requirements. Notice of appeal shall be accomplished by the administrative officer in the same manner and to the same persons as the original application. Appeals to the Board of Directors shall be de novo.

(Ord. No. 5530, §§1-3, 2-5-07)


There is hereby created a construction trades advisory committee. Said committee shall be organized and shall function in accordance with the “General Policies and Procedures for Advisory Committees” (§ 2-8-30). Members shall be appointed for four (4) year terms. Provided, however, that the initial term of the five even-numbered positions shall expire May 1, 1999, and the initial term of the four odd-numbered positions shall expire May 1, 2001.


The construction trades advisory committee shall consist of nine members as follows:

Position One  Carpenter or building contractor
Position Two  Carpenter or building contractor
Position Three Master or journeymen plumber
Position Four  Master or journeymen plumber
Position Five  Mechanical engineer, sheet metal worker, or class “a” or class “b” mechanical contractor
Position Six  Mechanical engineer, sheet metal worker, or class “a” or class “b” mechanical contractor
Position Seven  Master or journeymen electrician
Position Eight  Master or journeymen electrician
Position Nine  Citizen at-large not meeting any of the qualifications for positions one through eight

15-1-11.3. Duties and responsibilities.

The construction trades advisory committee shall have the following duties and responsibilities:

(a) Review and recommend changes, revisions and modifications, not otherwise inconsistent with state law, to the Hot Springs mechanical, building, electrical and plumbing codes for consideration by the board of directors. In this regard, the committee may, at its discretion, appoint special study committees within each trade (building, mechanical, plumbing and electrical) to assist the committee in its code review process;

(b) Serve as the board of adjustments and appeals pursuant to the plumbing, electrical, mechanical and building codes;

(c) Advise the city manager, city staff and the board of directors in other matters relative to the construction trades within the city of Hot Springs and the application of the construction codes.

(Res. No. 3900, §§ 1-3, 6-15-98)

Editor's note—§ 15-1-11 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature. The construction trades advisory committee serves as a review and appeals committee of the plumbing, electrical, mechanical and building codes.
15-2-1. Building code.

Editor's note-The Building Code is now incorporated as part of the Arkansas Fire Prevention Code as adopted by §15-7-1.
CHAPTER 3
SWIMMING POOL AND SPA CODE


Editor's note-The Standard Swimming Pool and Spa Code is on file in the office of the city clerk and the code compliance department.


The 2012 Edition of the International Swimming Pool and Spa Code is hereby amended as follows:

A. Section 105.6.2, Schedule of Fees,-Swimming pool or spa fee shall be $50.00.


All references to the "building official" or any other enforcement or inspection official or administrative authority named in the swimming pool code shall be deemed to be the city manager or his/her designee.


The penalty for violation of the 2012 Edition of the International Swimming Pool and Spa Code shall, upon conviction in the Hot Springs Municipal 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. (Ord. No. 4960, § 15, 3-5-2001)

Cross reference-Violation of building and development codes - disconnection of water service, §15-1-8.

(Ord. No. 5985, §§ 1-4, 12-3-2013)
15-4-1. Short title.

This Code shall be known and cited as the Hot Springs Mechanical Code, 2010 Edition.

15-4-2. Adoption of State Mechanical Code.

Subject to the provisions of this ordinance, the 2010 Edition of the Arkansas Mechanical Code, as adopted and promulgated by the Arkansas Department of Health, Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) Licensing Board, including appendix A, is hereby adopted by reference as though set out herein word for word.

15-4-3. Additions, deletions and revisions to Arkansas Mechanical Code.

The following sections of the Arkansas Mechanical Code, 2010 Edition, as adopted by this ordinance, are hereby amended to read as follows:

(a) The paragraphs of Section 101, relative to Electrical, Gas, Mechanical and Plumbing, are hereby amended to indicate that the provisions of the applicable Code, as adopted by the City of Hot Springs, shall apply.

(b) Sections 105.1, 105.2, and 105.3 are hereby deleted and a new Section 105.1 adopted to-wit:

105.1 Mechanical Board of Adjustments and Appeals. The Mechanical Board of Adjustments and Appeals shall be such Technical Board as may now or hereinafter exist and designated by the Board of Directors to serve in the capacity of the Mechanical Board of Adjustments and Appeals; provided further, that said Board shall operate in accordance with the provisions of Section 105.4 through 105.9 and the subsections thereof, as amended, when considering matters relative to the Arkansas Mechanical Code.

(c) Section 107 is hereby deleted and a new Section 107 is adopted to-wit:

107 Violations and Penalties. In addition to any penalties that may lawfully be imposed by the Arkansas Department of Health, Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) Licensing Board, 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.

(d) Section 603.5 is hereby deleted and a new section 603.5 is adopted to-wit:

Nonmetallic ducts shall be constructed with Class 0 or Class 1 duct material in accordance with UL 181. Fiber board or Duct board shall not be permitted in any portion of the mechanical system.
(e) Section 603.6.1.1 is hereby deleted and a new section 603.6.1.1 is adopted to wit:

Flexible air ducts shall not be limited in length. (Ord. No. 5943, §1, 5-21-2013)

(f) Section 603.6.2.1 is hereby replaced. Flexible air connectors shall be limited in length to 14 feet (4267 mm). (Ord. No. 5943, §1, 5-21-2013)

(g) Appendix B is hereby deleted and a new Appendix B adopted to wit:

**APPENDIX B – SCHEDULE OF 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. No permit shall be issued to any person, firm or corporation without evidence of the proper license and proof of general liability insurance for the work to be performed.

15-4-4. References to building official.

All references to the “building official,” “administrative authority” or any other enforcement or inspection official named in the Arkansas Mechanical Code shall be deemed to be the city manager or his/her designee.

(Ord. No. 5821, §1, §2, 6-7-2011)

15-4-5. Fee schedule.

The following “Mechanical Permit Fee Schedule” is hereby adopted as the approved fee schedule for the Hot Springs Mechanical Code:

**HOT SPRINGS MECHANICAL CODE – FEE SCHEDULE**

A. MECHANICAL PERMIT FEES.

(1) Residential construction. Mechanical permit fees for all residential mechanical work shall be $0.05 per square foot of each residential unit. Provided, however, that in the case of additions to or remodeling of existing residential units, the per square foot fee shall only be applied to such addition or area being remodeled. The minimum permit fee shall be $30.00 regardless of the square footage.

(a) New Dwelling Construction Incentive Mechanical Permit Fee Waiver. Permit fees for constructing new dwellings (single family City-wide and single family, duplex and multiple family within the Thermal Basin Fire District) within the limits of the city of Hot Springs are exempt from compliance with HSC § 15-4-5(A)(1) effective January 1, 2015 through December 31, 2015. (Ord. No. 6061, §1, 1-20-2015)
Commercial. Mechanical permit fees for all commercial mechanical work shall be based on square footage of the commercial structure as follows. Provided, however, that in the case of additions to or remodeling of existing commercial units, the per square foot fee shall only be applied to such addition or area being remodeled. The minimum permit fee shall be $30.00 regardless of the square footage.

<table>
<thead>
<tr>
<th>Total Square Footage</th>
<th>Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5,000</td>
<td>$0.05 per square foot</td>
</tr>
<tr>
<td>5,001 to 20,000</td>
<td>$250.00 plus $0.02 per square foot for each square foot over 5,000</td>
</tr>
<tr>
<td>20,001 or more</td>
<td>$550.00 plus $0.01 per square foot for each square foot over 20,000</td>
</tr>
</tbody>
</table>

B. OTHER WORK.

The permit fee for change-outs, boilers, refrigeration and commercial grease hoods shall be $60.00 for the first unit plus $30.00 for each additional unit.

C. REINSPECTION FEE.

A reinspection fee of $40.00 shall be paid for each reinspection necessitated by the failure of any inspection as required by the Hot Springs Mechanical Code. Provided, however, that a reinspection fee shall not be required for the first reinspection.

D. PENALTY.

Where work for which a permit is required by the Hot Springs Mechanical Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be tripled, but the payment of such double 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.

E. REFUNDS/SUBSTITUTIONS.

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

(Res. 7864, §1, 2-7-12)

F. AFTER-HOURS INSPECTIONS.

$100.00 per inspection. (Res. No. 6285, §2, 5-22-06)

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

15-5-1. Title.

The title of this Code shall be Hot Springs Electrical Code, 2014 Edition.


The National Electrical Code (NFPA 70) and Annex H (Administration and Enforcement), 2014 Edition, published by the National Fire Protection Association (NFPA), hereafter referred to as the "electrical code," or NEC, and which may be cited as such, is hereby adopted by reference as though set out herein word for word, subject to the deletions, changes and additions hereinafter set forth.


The penalty for violation of this Ordinance shall upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction is 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.

Cross reference—Violation of building and development codes - disconnection of water service, §15-1-8.

ARTICLE II. ADMINISTRATION

15-5-4. Completion of unfinished work.

(A) When the permit electrician fails or refuses to complete electrical work, in whole or in part, on any electrical wiring or installation of fixtures or equipment, a new permit may be issued upon written request of the owner or person in charge of construction, and fees therefore shall be assessed covering all electrical work done or to be done, whether completed or not, at the time a subsequent permit is issued. Before any subsequent permit is issued, the administrative authority shall notify the permit electrician failing or refusing to complete the electrical work, if he can be found, to show cause within ten (10) days of receipt of written notice why a subsequent permit should not be issued to a subsequent electrician. All written requests for subsequent permits shall set forth the reasons why the current permit electrician has failed or refused to complete electrical work.

(B) Where it appears that requests for subsequent permits are made to defeat contractual obligations between the electrician and the owner or person in charge of construction, no subsequent permit shall be issued. If subsequent permits are issued, all existing permits shall be cancelled by the administrative authority and no fees due therefore shall be refunded or credited.
15-5-5. **Place of business; identification of service trucks.**

No electrical permit shall be issued to any person other than a licensed electrical contractor maintaining an established place of business as well as a current telephone number. In addition to the telephone at the place of business, the contractor shall also provide a cell phone number and e-mail address if they have one. Each service truck in use shall have its business name and the master electrician’s license number.

**ARTICLE III. AMENDMENTS TO NATIONAL ELECTRICAL CODE**

15-5-6. **NEC - Additions, deletions and revisions to the NEC.**

The National Electrical Code, as adopted by this ordinance, is hereby amended by adding the following new sections or additions to existing sections as appropriate and deleting certain sections as indicated hereinafter:

**Residential Rewiring.** A new section 210.71 is hereby added as follows:

**Section 210.71. Rewire, reconnect or update existing residential dwelling.** (Ord. No. 5667, §1(d), 8-5-08)

The following shall apply to all residential dwellings when rewired or the panel board and/or service is updated or a reconnect permit has been issued:

Reconnect: *A permit to inspect any residential or commercial building which has had the electrical power service discontinued or terminated for sixty (60) calendar days or more (reconnection inspection), to require that said building wiring system is safe and presents no life safety hazard and to authorize the reconnection of electrical power service to such buildings that are in compliance.*

1. Minimum 100 ampere service with main disconnect located on the exterior of dwelling.

2. Bathroom receptacle outlet must meet the requirements of Article 210.11 (c) (3)

3. Small appliance circuits in the kitchen shall meet the requirements of Article 210.11 (c) (1).

4. Smoke detectors shall be installed in accordance with The Arkansas Fire Prevention Code Volume II Section 313.

**Exception No. 1.** Installation of an additional circuit(s) which returns to the point of service as a separate and complete installation shall not require upgrade of the remainder of the dwelling provided the existing service is adequate for the additional load.

**Service Equipment – Disconnecting Means.** Section 230.70, Sub-paragraph (A) (1) is hereby deleted and a new sub-paragraph (A) (1) adopted as follows:

A Location

(1) *Readily Accessible Location.*
(a) The service disconnecting means for each metered tenant shall be installed at a readily accessible location outside the building or structure or obtains special permission from the Fire Marshal for any alternate location.

(b) The service equipment shall be labeled with the correct address.

**Types of Equipment Grounding Conductors.** Section 250.118 – Types of Equipment Grounding Conductors is hereby deleted and a new Section 250.118 adopted as follows:

**Section 250.118. Types of Equipment Grounding Conductors.** The equipment grounding conductor run with or enclosing the circuit conductors shall be a copper or an aluminum conductor sized per Table 250.122 of the 2011 NEC. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire.

**Temporary Installations; Time Constraints.** A new sub-paragraph (1) is hereby added to Section 590.3 (A) as follows:

(1) If for any reason the job is shut down for over a period of ninety (90) calendar days or if the permit has expired, then the authority having jurisdiction may have the temporary electrical power disconnected. An extension of time may be granted only by special permission.

**ARTICLE IV. PERMIT FEE SCHEDULE**

**15-5-7. Electrical permit fee schedule - Adopted.**

The following “Electrical Permit Fee Schedule” is hereby adopted as the approved fee schedule for the Hot Springs Electrical Code.

**HOT SPRINGS ELECTRICAL CODE – FEE SCHEDULE**

**A. ELECTRICAL PERMIT FEES.**

(1) Residential construction. Electrical permit fees for all residential electrical work shall be $0.05 (five cents) per square foot of each residential unit. Provided, however, that in the case of additions to or remodeling of existing residential units, the per square foot fee shall only be applied to such addition or area being remodeled. The minimum permit fee shall be $30.00 regardless of the square footage.

(a) New Dwelling Construction Incentive Electrical Permit Fee Waiver. Permit fees for constructing new dwellings (single family City-wide and single family, duplex and multiple family within the Thermal Basin Fire District) within the limits of the city of Hot Springs are exempt from compliance with, HSC § 15-5-7(A)(1), effective January 1, 2015 through 1 December 31, 2015. (Ord. No. 6061, §1, 1-20-2015)

(2) Commercial. Electrical permit fees for new commercial and all other commercial work shall be $30.00 plus a per-opening fee as follows:
Opening*  Fee per Opening
1-16  $ . 40 each
17-32 . 35 each
33 and over . 30 each

* For permit fees, an opening shall be defined to include any junction point or termination point to which a piece of utilization equipment or a device has been installed or is to be installed. A permit fee will be charged on every opening worked on.

(3) Additional fees. The following additional fees shall be charged as appropriate:

- Service or service change $30.00 for the first 100 amps plus $10.00 for each additional 100 amps or fraction thereof.
- Temporary power or pole $15.00 per service
- Mobile home service $30.00 per service
- Reconnect inspection $15.00 per inspection

(4) Special power-producing equipment. A permit fee of $50.00 per unit shall be charged for any equipment installed for the purpose of producing electrical energy.

B. REINSPECTION

A re-inspection fee of $40.00 shall be paid for each re-inspection necessitated by the failure of any inspection as required by the Hot Springs Electrical Code. Provided, however, that a re-inspection fee shall not be required for the first re-inspection.

C. PENALTIES

Where work for which a permit is required by the Hot Springs Electrical 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 said Code in the execution of the work nor from any other penalties prescribed therein.

D. REFUNDS/SUBSTITUTIONS

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

E. AFTER-HOURS INSPECTIONS

$100.00 per inspection. (Res. No. 6285,§2, 5-22-06)

Editor's note - The administrative policy for after-hours construction code inspections is on file in the office of the city clerk. §15-5-28 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.
CHAPTER 6
PLUMBING AND GAS CODE

ARTICLE I. IN GENERAL

15-6-1. Short title.
This Code shall be known and cited as the Hot Springs Plumbing and Gas Code, 2003 Edition.

15-6-2. Adoption of State Plumbing Code.
Subject to the provisions of this Code, the following are hereby adopted by reference as though set out herein word for word:

(b) Arkansas State Gas Code, 2003 Edition, the same being the 1995 Standard Gas Code as amended;
(c) Rules and regulations of the state board of health governing the construction, installation and inspection of plumbing and drainage;
(d) Administrative regulations of the state committee of plumbing examiners;
(e) All of the above, as amended to the date of this Code, together with all subsequent amendments, unless the city shall, by ordinance, modify or delete any such future amendment.

The following rules of construction shall apply to this Code:

(a) The term "Code" as used hereinafter shall mean this ordinance, together with the Arkansas State Plumbing Code and the Arkansas State Gas Code as adopted and as amended by this ordinance.

Cross reference - Construction trades advisory committee, §15-1-3.; Permit issuance prohibited if indebted to city, §4-11-2.
(b) Any reference in the Arkansas State Plumbing or Arkansas State Gas Code to any portion of the Arkansas State Plumbing or Arkansas State Gas Code which is specifically deleted or modified by this ordinance shall be construed to refer to the corresponding article of this Code.

(c) The use of personal pronouns in the masculine form in this Code is in accordance with accepted rules of English grammar and such pronouns shall be interpreted as referring equally to males or females.

15-6-4. Purpose.

The purpose of this Code is to provide a minimum standard to safeguard life and limb, property, and the public health, safety and welfare by controlling the design, construction, quality of materials and workmanship within the area of jurisdiction of the city, present and future.

15-6-5. Applicability.

The provisions of this Code and any subsequent amendments thereto shall apply to all plumbing work to which water, wastewater, or natural gas is to be provided regardless of the supply source, except minor repairs to faucets, valves, pipes, and appliances, and removing of stoppages.

15-6-6. Compliance.

No plumbing work shall be installed or approved unless the same is in strict conformity with this Code and any subsequent amendments thereto, the Arkansas State Plumbing and Arkansas State Gas Code and amendments thereto, as adopted in this Code, and the laws of the state. The provisions of this Code shall prevail over the Arkansas State Plumbing or Arkansas State Gas Code in case of conflicting provisions. Except where specifically amended in this Code, the provisions of the Arkansas State Plumbing or Arkansas State Gas Code shall constitute the approved method of plumbing work done or to be performed.

All plumbing work done or installed for any purpose whatsoever shall be and remain at all times fully subject to the police powers of the city. In order to insure that all such standards shall be in conformity with good engineering practices and uniform with accepted standards the administrative authority may from time to time order special tests or approve standards of such other authorities which, when adopted by the administrative authority, shall have the force and effect of ordinances. Until other standards shall have been adopted, the standards and regulations set forth by the Arkansas State Plumbing or Arkansas State Gas Code, as adopted, shall be and are hereby declared to be the standards approved by the administrative authority, subject to the limitations and exceptions contained in this Code and any subsequent amendments thereto.

The administrative authority may grant special permission for deviation from these rules only in unusual or extreme conditions. Each such case will require a special or separate ruling.
15-6-7. Connections to municipal water and sewer.

No building, whether within or without the city, shall be connected to either the municipal water supply or to the municipal sewer system unless the owner agrees in writing that the entire building plumbing system will comply with all provisions of this Code, including all provisions thereof with respect to both water supply and drainage and sewerage, prior to connection with either the municipal water supply or the municipal sewer system, regardless of whether the building is to be connected to one or both of such systems. The administrative authority is authorized and directed to inspect plumbing work outside the city when such work is connected to the municipal water or sewer system.

15-6-8. Liability for defects in materials.

This Code shall not be construed to affect the responsibility or liability of any person, firm or corporation owning, operating, controlling or installing plumbing materials, devices, appliances or equipment for damages to persons or property caused by any defects therein, nor shall the city be held to assume any such liability by reason of the approval of any material, device, appliance or equipment authorized herein.

15-6-9. Unlawful interference.

It shall be unlawful for any person to interfere with the administrative authority in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this Code.

15-6-10. 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. Said appeals or variance requests shall be accomplished in accordance with appeals and variances provisions and procedures of Chapter One of the Standard Building Code, provided that references therein to a construction board of adjustments and appeals and/or any "Code" are hereby deemed to mean such board of adjustments and appeals as may now or hereafter be created or designated by the board of directors and the Hot Springs Plumbing and Gas Code for purposes of this Code.

15-6-11. Violations.

It shall be unlawful for any person, as owner, agent, servant or lessee, to violate, disobey or refuse to comply with, or resist or oppose the execution of this Code and its amendments, or any rule, regulation or order promulgated pursuant thereto, and it shall be unlawful for any person to occupy or maintain any building or structure in which the plumbing is in violation of this Code. Any person who commits any act declared to be unlawful, or fails to perform an act required by this Code, shall be subject to the penalty provisions of this Code. Any plumbing installations installed in violation of this Code shall be removed at the expense of the person installing or allowing the same. The provisions of this Code shall not be exclusive of any other method prescribed by law for the arrest and punishment of a person for an offense of like grade.
15-6-12. 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.

Cross reference—Violation of building and development codes - disconnection of water service, §15-1-8.

ARTICLE II. ADMINISTRATION, PERMITS AND INSPECTIONS


The applicable sections of Chapter 1, Administration, of the latest edition of the Arkansas Fire Prevention Code, Volume II as approved by the city of Hot Springs are hereby adopted as the administrative and permit procedures for this Code subject to the provisions of this Code which shall be in addition to the administrative procedures of the Arkansas Fire Prevention Code, Volume II.


All references to the plumbing or gas inspectors, building official, or any other enforcement or inspection official or administrative authority named in this Code, the Arkansas State Plumbing Code, the Arkansas State Gas Code, or the Arkansas Fire Prevention Code, Volume II, shall be deemed to be the city manager or his/her designee.

15-6-15. Schedule of 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.

15-6-16. Powers and duties of administrative authority.

In addition to the powers and duties enumerated in Chapter One of Arkansas Fire Prevention Code, Volume II, the administrative authority shall have the following powers and duties:

(a) To order the water service disconnected where improper or defective plumbing exists, where plumbing construction or equipment has been installed without a permit as required in this Code, or where a building or structure has been occupied without the issuance of a certificate of occupancy from the Code compliance department; and

(b) To order compliance with provisions of this Code in any building which requires changes or alterations to existing plumbing.
15-6-17. Permit requirements and procedures.

(a) Except as otherwise specifically allowed in this Code, it shall be unlawful for any person to install or cause to be installed, or to permit any person to install, any plumbing or gas piping, fixtures, or equipment within any building, structure or premises, publicly or privately owned, or to make any alteration, additions, changes or repairs within the scope of this Code without first having procured a permit therefor issued by the administrative authority. Permits shall only be issued to plumbing contractors, master plumbers, gas fitters or property owners as authorized by this Code.

(b) No connection shall be made to a water, wastewater or gas supply system in the city unless a permit shall have been obtained, the fees paid and required inspections performed.

(c) 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 and proof of general liability and workmen’s compensation insurance.

15-6-18. Special conditions for lawn sprinkler system permits.

Permits issued for lawn sprinkler systems shall be issued only under the following conditions:

(a) All sprinkler systems must be protected with an RPZ assembly.

(b) The plumbing contractor or master plumber responsible for the RPZ assembly must employ a "State certified testing and repair technician" who shall install, test and if needed, repair the system RPZ assembly;

(c) The "State certified testing technician" testing RPZ assembly installed on lawn sprinkler systems must also be a "State certified repair technician;"

(d) A state certified testing technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all test and reports. Three copies of the test report shall be provided. One to the consumer, one to the authority having jurisdiction, and one retained by the testing technician. RPZ assemblies shall be registered with the City of Hot Springs. The registration form shall consist of, but not be limited to, the following:

(1) detailed information on the location of the device and what system the device is servicing;

(2) customer name, street address, type of assembly, size, manufacturer, model, serial number, tester’s name, certification number, and date; and
(3) the digital printout tape shall accompany the registration form.

(e) Test kits must be of the digital printout type and meet calibration and certification requirements required by the state administrative authority and the City of Hot Springs.

15-6-19. Permit exceptions.

No plumbing permit shall be required for the replacement of or minor repairs to faucets, valves, pipes and appliances or the removing of stoppages.

15-6-20. Completion of unfinished work.

Should a permittee fail or refuse to complete plumbing work, in whole or in part, or should the owner or person in charge of construction so request, a new permit may be issued upon written request of the permittee or owner or person in charge of construction. Fees therefor shall be assessed covering all plumbing work done or to be done, whether completed or not, at the time a subsequent permit is issued. Before any subsequent permit is issued, the administrative authority shall notify the permittee and owner or person in charge of construction of the requested change. If subsequent permits are issued, all existing permits shall be canceled and no fees due or paid therefor shall be refunded or credited.

15-6-21. Submittal of plans.

The administrative authority shall require plans, specifications and a complete plumbing layout of large or special plumbing installations. Such plans are in addition to any plans required for compliance with the Hot Springs Building Code. When such plans, specifications and layout are required, it shall be a violation of this Code for any person to install any part of the plumbing work involved until the administrative authority initially approves the plans.

15-6-22. Inspection procedure; notice of violation.

The following procedure shall be followed for provision of inspections:

(a) The administrative authority shall inspect and approve plumbing work after each stage of work is completed and requests for inspections are made.

(b) The permittee shall request inspections by notifying the administrative authority in such manner as the administrative authority may prescribe. The administrative authority shall inspect such plumbing work as soon as practical and within forty-eight (48) hours of notification whenever possible. All requests for inspection of plumbing work shall be made forty-eight (48) hours before the plumbing work concerned is to be concealed or connected to the supply source, as the case may be.
(c) No plumbing work shall be concealed in any manner from access or sight until such plumbing work has been inspected and approved by the administrative authority and no plumbing work shall be connected to a supply source until such plumbing work is completed and approved.

(d) When final inspections are requested, it will be necessary for the permittee to arrange for the structure or structures to be inspected to be open in order that the inspection can be made. Occupied structures or structures containing personal property will not be entered by the administrative authority unless accompanied by the owner or the owner's representative.

(e) If the plumbing installations, upon final inspection, meet all the requirements of this Code, the administrative authority shall issue a certificate of compliance and the installation shall be approved for. In the event that the plumbing work fails to meet the requirements of this Code, the administrative authority shall notify the permittee of the deficiencies. No certificate of completion shall be issued unless the plumbing installations are in strict conformity with the provisions of this Code.

(f) Whenever a permittee is given notice of defects in plumbing work, he shall promptly correct same. Failure to do so within fifteen (15) calendar days of notice of defects shall be unlawful and a violation of this Code, and, in addition to any other penalties, the administrative authority shall refuse to issue any further permits for plumbing work to such permittee until existing defects are corrected and approved in accordance with the provisions of this Code.

(g) In addition to the above, the administrative authority shall notify in writing any lessor or any lessee violating this Code, or any person, firm or corporation supplying water or gas to any person violating this Code, that said lessor or lessee, person, firm or corporation shall, within forty-eight (48) hours after said written notification, cause the disconnection of water or gas supply in violation of this Code. Said water or gas shall remain disconnected until the provisions of this Code are complied with.

(h) No inspection shall be made unless the correct street number is on the building and in plain view.

ARTICLE III. LICENSES

15-6-23. Classification and qualifications of plumber.

The classification of the various branches of the plumbing industry and qualifications for each classification shall be as follows:

(a) Master plumber shall be defined as a contractor who possesses the necessary qualifications, training and technical knowledge to plan, lay out and supervise the construction, installation and maintenance of plumbing.
He shall be a person of not less than twenty-one (21) years of age and a person of good moral character.

He must have a current master plumber's license issued by the state.

(b) **Journeyman plumber** shall be defined as an individual who works for a master plumber and possesses the necessary qualifications, training and technical knowledge to construct, install and maintain plumbing. Further, he shall be capable of doing such work in accordance with plans and specifications furnished him in accordance with standard rules and regulations governing such work. He must have a current journeyman plumber's license issued by the state.

(c) **Apprentice plumber** shall be defined as a person seventeen (17) years of age or more, who is engaged in learning the plumbing and/or pipe fitting trade, who is covered by a written apprenticeship agreement with the Bureau of Apprenticeship and Training, U.S. Department of Labor, and Hot Springs Joint Apprenticeship Committee and who is registered as an apprentice by the plumbing division, State Board of Health, of the State of Arkansas, in accordance with provisions of Act 200 of 1951, as amended (Arkansas State Plumbing Law).

An apprentice plumber who works within the corporate limits of the city shall be required to register with the administrative authority. No fee shall be charged for this registration. During the fourth year and following, an apprentice plumber shall continue to work under the general supervision of a master plumber or journeyman plumber, but shall not necessarily be subject to direct and constant supervision.

(d) **Gas fitters** shall be defined as an individual who possesses the necessary qualifications, training and technical knowledge to construct, install and maintain gas piping. He must have a current gas fitter's license issued by the state.

(e) **Plumbing contractor** shall be defined to include any person, member and/or employee of a firm, partnership or corporation engaged in the business of installing, erecting or repairing or contracting to install, erect or repair plumbing including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and connections to a water, sewage or gas system.

Before any person, firm, partnership or corporation shall engage in the business of plumbing contracting, the name, residence and place of business of such person, firm, partnership or corporation shall be registered with the administrative authority. Plumbing contractors shall have a master plumber managing or supervising their business and the registration required hereby shall be made in the name of said master plumber. Every change in the name of the organization, place of business address, or change in the licensed master plumber in charge of the business shall require immediate notice thereof to the administrative authority who shall then correct the registration.
15-6-24. License - Required.

(a) Except as otherwise provided in this Code, it shall be unlawful for any person to do plumbing work in the city unless such person is a duly licensed master plumber or unless such person is a duly licensed journeyman or apprentice plumber and does such plumbing work under the supervision, direction and control of a duly licensed master plumber. Provided, however, that gas piping work may be accomplished by a duly licensed gas fitter.

(b) Any person holding a valid master's license need not procure a lesser license, and any person holding a valid journeyman's license need not procure a lesser license. When two (2) or more master plumbers are working on the same job, the supervision, direction and control of the plumbing work shall be the responsibility of the person to whom the permit was issued.

(c) Any violation of the terms of this Code or any ordinance governing the installation or inspection of plumbing work by a person holding a state license shall also be reported by the administrative authority to the committee of plumbing examiners, board of health of the state of Arkansas, for action under the rules and procedures of said state committee.

15-6-25. License exceptions.

No license shall be required under the following circumstances:

(c) The replacement of or minor repairs to faucets, valves, pipes and appliances or the removing of stoppages; and

(d) Plumbing work performed by a property owner in a building owned and occupied by the owner as the owner's home. Provided, however, that any home owner performing plumbing work on the owner's own home shall not employ another party to assist in or to accomplish said plumbing work unless such person is a duly licensed plumber. Unpaid and unsolicited assistance shall not require licensure.

The following sections of the Arkansas State Plumbing Code, Ninth Edition, 2003, as adopted by this Code, are hereby amended to read as follows:

608.16.5. New sprinkler or irrigation systems must have an approved reduced pressure principal assembly before the first outlet.

608.16.10. Testing and repair technician. A certified testing technician or certified repair technician is any master, journeyman, or apprentice plumber meeting all applicable licensing and certification requirements of the state administrative authority and the city of Hot Springs. All persons desiring to test or repair RPZ assemblies connected to the municipal water system must be register with the administrative authority. When applying for registration each applicant shall furnish evidence to show that he/she has available the necessary equipment and have employed the necessary personnel to properly test and repair such assemblies. The administrative authority shall determine whether an applicant is eligible for registration. Registration shall remain in force provided the technician maintains eligibility for registration or the registration is not revoked by the administrative authority.

Each applicant for registration to test or to do business as a RPZ assembly tester shall furnish evidence to show that the applicant is also a certified repair technician or has employed a certified repair technician full time to repair or service RPZ assemblies. Certified technician registration may be revoked by the administrative authority if it is determined that the technician:

(c) has falsely, incompletely, or inaccurately filed assembly reports;
(d) has used inaccurate test equipment;
(e) has used improper testing procedures;
(f) is not in compliance with safety regulations; or
(g) has failed to renew the proper licenses.

The administrative authority shall not be limited to these reasons.

15-6-27. Additions to state Code.

The Arkansas State Plumbing Code, Ninth Edition, 2003, as adopted by this Code, is hereby amended to add the following sections:

605.3. Water service pipe. CPVC, inside or outside the corporate limits of the City of Hot Springs shall not be allowed on any piping system connected to the municipal water system. CPVC is hereby deleted from tables 605.3, 605.4 and 605.5.
608.15.4.2. **Frost free hose bibs.** All frost free hose bibs shall be equipped with factory installed backflow prevention devices.

(Ord. No. 5329, §1, 3-07-05)

**ARTICLE V. PERMIT FEE SCHEDULE**

15-6-28. **Plumbing and gas permit fee schedule - Adopted.**

The following “Plumbing and Gas Code Permit Fee Schedule” is hereby adopted as the approved fee schedule for the Hot Springs Plumbing and Gas Code:

**HOT SPRINGS PLUMBING AND GAS CODE - FEE SCHEDULE**

A. **PLUMBING PERMIT FEES.**

(1) **Residential.** Plumbing permit fees for all residential plumbing work shall be five cents ($0.05) per square foot of each residential unit within the corporate limits of the city and six cents ($0.06) outside the city. Provided, however, that in the case of additions to or remodeling of existing residential units, the per square foot fee shall only be applied to such addition or area being remodeled. The minimum permit fee shall be $30.00 regardless of the square footage.

   (a) **New Dwelling Construction Incentive Plumbing and Gas Permit Fee Waiver.** Permit fees for constructing new dwellings (single family City-wide and single family, duplex and multiple family within the Thermal Basin Fire District) within the limits of the city of Hot Springs are exempt from compliance with, HSC § 15-5-28(A)(1) effective January 1, 2015 through December 31, 2015. (Ord. No. 6061, §1, 1-20-2015)

(2) **Commercial.** Plumbing permit fees for new commercial and all other commercial work shall be $20.00 plus $3.00 per fixture inside the corporate limits of the city and $20.00 plus $4.00 per plumbing fixture outside the city.

(3) **Back-flow prevention devices.** The inspection fee for each new back flow prevention device shall be as follows:

<table>
<thead>
<tr>
<th>Non-testable</th>
<th>In-City</th>
<th>Out-City</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3.00</td>
<td>$4.00</td>
</tr>
<tr>
<td>Testable</td>
<td>20.00</td>
<td>30.00</td>
</tr>
</tbody>
</table>

(4) **Mobile homes.** The permit fee for each mobile home plumbing service inspection shall be $20.00 within the corporate limits of the city and $30.00 outside the city.
B. GAS PERMIT FEES.

(1) Gas test. The fee for each gas test inspection shall be $15.00.

(2) Gas permit fees. In addition to the gas test fee, the gas fees for all gas work shall be $10.00 for the first two outlets/openings plus $1.00 for each additional outlet/opening.

C. CHARGE ACCOUNTS

Amendment note - Resolution 6520 adopted 3/5/07 eliminated the use of charge accounts.

D. REINSPECTION

A reinspection fee of $30.00 shall be paid for each reinspection necessitated by the failure of any inspection as required by the plumbing and gas Code. Provided, however, that a reinspection fee shall not be required for the first reinspection.

E. PENALTIES

Where work for which a permit is required by the Hot Springs Plumbing and Gas Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double 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.

F. REFUNDS/SUBSTITUTIONS.

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

(Res. No. 6093, §2, 12-19-05)

G. AFTER-HOURS INSPECTIONS.

$100.00 per inspection. (Res. No. 6285, §2, 5-22-06)

Editor's note - The administrative policy for after-hours construction code inspections is on file in the office of the city clerk. §15-6-28 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.
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.


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.
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)

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 established using the latest edition of “RSMeans Square Foot Costs” for the Hot Springs area.

(1) New Dwelling Construction Incentive Permit Fee Waiver. Permit fees for constructing new dwellings (single family City-wide and single family, duplex and multiple family within the Thermal Basin Fire District) within the limits of the city of Hot Springs are exempt from compliance with, HSC § 15-7-2.1(A) effective January 1, 2015 through December 31, 2015. (Ord. No. 6061, §1, 1-20-2015)

<table>
<thead>
<tr>
<th>Total Building Valuation</th>
<th>Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00 to $1,500</td>
<td>$11.25</td>
</tr>
<tr>
<td>$1,501 to $50,000</td>
<td>$11.25 plus $3.75 for each thousand or fraction thereof from $1,501 to and including $50,000.</td>
</tr>
</tbody>
</table>
$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) New Dwelling Construction Incentive Planning Check Fee Waiver. Planning check fees for constructing new dwellings (single family City-wide and single family, duplex and multiple family within the Thermal Basin Fire District) within the limits of the city of Hot Springs are exempt from compliance with, HSC § 15-7-2.1(D) effective January 1, 2015 through December 31, 2015. (Ord. no. 6061, §1, 1-20-2015)

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
<th>Code Reference #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day care</td>
<td>30.00</td>
<td>106</td>
</tr>
<tr>
<td>Foster home ($300.00 maximum fee)</td>
<td>30.00</td>
<td>106</td>
</tr>
<tr>
<td>Health care facility</td>
<td>500.00</td>
<td>106</td>
</tr>
<tr>
<td>Miscellaneous required inspections</td>
<td>50.00</td>
<td>106</td>
</tr>
<tr>
<td>Certificate of occupancy</td>
<td>50.00</td>
<td>106</td>
</tr>
</tbody>
</table>
### B. PLAN REVIEW FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
<th>Code Reference #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sprinkler plan reviews</td>
<td>.05 per square foot</td>
<td>901.2</td>
</tr>
<tr>
<td>Fire alarm plan reviews</td>
<td>.05 per square foot</td>
<td>907.1.1</td>
</tr>
</tbody>
</table>

### C. CONSTRUCTION PERMITS

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

### D. OPERATIONAL PERMITS

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
<th>Code Reference #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aerosol products</td>
<td>$30.00</td>
<td>105.6.1</td>
</tr>
<tr>
<td>Amusement buildings</td>
<td>$30.00</td>
<td>105.6.2</td>
</tr>
<tr>
<td>Aviation facilities</td>
<td>$30.00</td>
<td>105.6.3</td>
</tr>
<tr>
<td>Carnivals &amp; fairs</td>
<td>$30.00</td>
<td>105.6.4</td>
</tr>
<tr>
<td>Battery systems</td>
<td>$30.00</td>
<td>105.6.8</td>
</tr>
<tr>
<td>Compressed gases</td>
<td>$30.00</td>
<td>105.6.13</td>
</tr>
<tr>
<td>Exhibits &amp; trade shows</td>
<td>$30.00</td>
<td>105.6.14</td>
</tr>
<tr>
<td>Fire hydrants and valves</td>
<td>$30.00</td>
<td>105.6.1</td>
</tr>
<tr>
<td>Explosives</td>
<td>$30.00</td>
<td>105.6.2</td>
</tr>
</tbody>
</table>
D. OPERATIONAL PERMITS (continued)

<table>
<thead>
<tr>
<th>Permit Description</th>
<th>Fee</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flammable and combustible liquids</td>
<td>$30.00</td>
<td>105.6.16</td>
</tr>
<tr>
<td>Hazardous materials</td>
<td>$30.00</td>
<td>105.6.20</td>
</tr>
<tr>
<td>HPM facilities</td>
<td>$30.00</td>
<td>105.6.22</td>
</tr>
<tr>
<td>High-piled storage</td>
<td>$30.00</td>
<td>105.6.22</td>
</tr>
<tr>
<td>Hot work operations</td>
<td>$30.00</td>
<td>105.6.23</td>
</tr>
<tr>
<td>Liquid or gas fueled vehicles or equipment in</td>
<td>$30.00</td>
<td>105.6.26</td>
</tr>
<tr>
<td>assembly buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open burning</td>
<td>$25.00</td>
<td>105.6.3</td>
</tr>
<tr>
<td>Open flames &amp; candles</td>
<td>$30.00</td>
<td>105.6.32</td>
</tr>
<tr>
<td>Places of assembly</td>
<td>$100.00</td>
<td>105.6.34</td>
</tr>
<tr>
<td>Pyrotechnic special effects material</td>
<td>$30.00</td>
<td>105.6.36</td>
</tr>
<tr>
<td>Spraying or dipping (automotive painting)</td>
<td>$30.00</td>
<td>105.6.41</td>
</tr>
<tr>
<td>Storage of scrap tires &amp; tire byproducts</td>
<td>$30.00</td>
<td>105.6.42</td>
</tr>
<tr>
<td>Temporary structures (tents)</td>
<td>$30.00</td>
<td>105.6.43</td>
</tr>
<tr>
<td>Tire rebuilding plants</td>
<td>$30.00</td>
<td>105.6.44</td>
</tr>
<tr>
<td>Waste handling</td>
<td>$30.00</td>
<td>105.6.45</td>
</tr>
<tr>
<td>Wood products (cabinet shops)</td>
<td>$30.00</td>
<td>105.6.46</td>
</tr>
</tbody>
</table>

*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)

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”.


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.


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)
ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

15-8-1. Statutory authorization.

Pursuant to A.C.A. 14-268-101, et seq, the General Assembly of the State of Arkansas has delegated the responsibility to cities, towns and counties to adopt regulations designed to minimize flood losses. This ordinance, which shall be cited as the “City of Hot Springs Flood Damage Prevention Ordinance,” is enacted pursuant to said statutory authority.

15-8-2. Findings of fact.

(a) The flood hazard areas of the city of Hot Springs are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in flood plains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

State law reference—City's authority to adopt regulations designed to minimize flood losses, Act 629 of 1969, A.C.A. § 14-268-101 et seq.

Cross reference—§16-4-1, Subdivision Code.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;
(b) Minimize expenditure of public money for costly flood-control projects;
(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(d) Minimize prolonged business interruptions;
(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
(f) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
(g) Ensure that potential buyers are notified that property is in a flood area.


In order to accomplish its purposes, this article uses the following methods:

(a) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(c) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
(d) Control filling, grading, dredging and other developments which may increase flood damage; and
(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazard to other lands.

(Ord. No. 5742, § 1 (Art. I), 11-17-09)
ARTICLE II. DEFINITIONS

15-8-5. Definitions.

Unless specifically defined below, words or phrases used in this article have their common usage meaning to give the most reasonable application to this code. Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) Parts 59-75 contain Federal regulations upon which local floodplain managements are based.

44 CFR § 65.12 contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

“100-year flood” is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

“500-year flood” is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

“Accessory Structures” are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

“Adverse impact” means any negative or harmful effect.

“AE or A1-30 Risk Zones” are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced Al-30 in newer flood maps.

“AH Risk Zones” are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

“AO Risk Zones” are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

“A Risk Zones” are special flood hazard areas without detailed studies, where base flood elevations have not been determined.
“Appeal Board” means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

“Automatic” entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

“Base flood” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the “100-year flood” as the base flood.

“Base flood” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

“Baseement” is any enclosed area that is below grade on all sides.

“BFE” is the acronym for Base Flood Elevation.

“Buoyancy” is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

“Certificates of Compliance” are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

“CFR” is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the National Flood Insurance Program are found in Title 44, Emergency Management and Assistance.

“Clearing” is the act of cutting timber or shrubs from an area.

“Commercial business park” is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants which service these offices.

“Concrete deadman anchors” are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

“Covenant” is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

“Crawlspace” is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.
“Critical facilities” include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

“D Zones” are areas in which the flood hazard has not been determined, but may be possible.

“Deed restriction” refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions; for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

“Development” means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

“Development permit” refers to the permit required for placing a “development” in the floodplain.

“Easements” are rights or permissions held by one person to make specific, limited use of land owned by another person.

“Elevation certificate” refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a professional engineer, surveyor or architect licensed to practice in the State of Arkansas.

“Erosion” is the process of soil removal by moving water.
“Existing structure” means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Federal Emergency Management Agency,” or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

“FEMA” is the acronym for the Federal Emergency Management Agency.

“Fill” refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

“FIRM” is the acronym for Flood Insurance Rate Map.

“Flood fringe” refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.).

“Flood Insurance Rate Map” (or “FIRM”) refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.

“Flood Insurance Study” (or “FIS”) is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

“Flooding events” are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodplain” refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.
"Floodplain Administrator" refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code's administration.

"Floodplain Development Permit" is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community's FIRM.

"Floodproofing" is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

"Floodproofing Certificate" refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

"Floodway" or "Regulatory Floodway" refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

"Flow-through openings" are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Grade" means the surface of the ground.

"Grading" means to smooth the surface of the ground, typically with heavy construction equipment.

"Highest Adjacent Grade" (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historical Structure" means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved state program as determined by the Secretary of the Interior or;

   (2) Directly by the Secretary of the Interior in states without approved programs.

"Hydrodynamic forces" are the forces and stresses associated with moving water, including impacts from objects carried in the water.

"Hydrostatic flood forces " are the forces and stresses associated with standing floodwaters.

"Lacustrine Flooding" is flooding associated with a lake.

"Lateral forces" are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

"Lowest floor" refers to the lowest floor of the lowest enclosed area (including Basement). For a typical slab-on-grade construction, the lowest floor is the top of the first floor of the structure. For a typical basement foundation construction, the elevation of the lowest floor is the top of the basement floor. For a typical crawlspace foundation construction, the elevation of the lowest floor is the top of the first floor of the structure. For a typical split-level construction, the elevation of the lowest floor is the top of the first living area floor. For a
manufactured home installation, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The garage floor and crawspaces are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

"Manufactured Homes or Structures" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

"Mixed Use Structures" are structures with both a business and a residential component, but where the area used for business are less than 50% of the total floor area of the structure.

"New Construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"No Adverse Impact Principle" is a principle of restricting or prohibiting land development that does harm or "adversely affects" someone else's property or land.

"Nonresidential Structures" are structures used only for commercial or public purposes, such as businesses, schools, churches, etc.
"No-Rise Certificates" are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

"Piers" are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

"Piling" are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

"Ponding" is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

"Recreational vehicles" means a vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Risk Zones" categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or Al-30, AO and AH are Special Flood Hazard Areas. See "X Risk Zones" in this section.

"Riverine flooding" is flooding associated with a river or stream channel.

"RV" is the acronym for recreational vehicle.

"Screw augers" are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

"Section 404 Wetlands Permit" is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

"SFHA" is the acronym for Special Flood Hazard Area.

"Shallow flooding" means a depth of less than 3 feet.
"Slab anchors" are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

"Special flood hazard areas" are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or Al-30, AH and AO.

"Start of Construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

"Stream channels" are depressed natural pathways through which water of any quantity routinely flows.

"Structural development" is a development that includes the placement or construction of a structure.

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.
"Substantial improvement" is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure's official status of "historical structure."

"Uses vulnerable to floods" are simply any land or structural uses that may be negatively affected by a flood.

"Variance" is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code - the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

"Watercourse alteration" refers to any change that occurs within the banks of a watercourse.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"X Risk Zones" are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

(Ord. No. 5742, § 1 (Art. II), 11-17-09)
ARTICLE III. GENERAL PROVISIONS

15-8-6. Lands to which this ordinance applies.

This article shall apply to all areas of special flood hazard within the corporate limits of the City of Hot Springs.

15-8-7. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Garland County, Arkansas and Incorporated Areas," dated January 20, 2010, with an effective Flood Insurance Rate Map (FIRM) dated January 20, 2010 and letter of Map Revision Case No. 13-06-1387P, effective September 23, 2013 for a portion of Gulpha Creek Tributary No. 3. (Ord. No. 5941, §1, 5-7-2013)


A development permit shall be required to ensure conformance with the provisions of this article.

Cross reference - Permit procedures, §15-8-15.


No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations.

15-8-10. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this article and ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15-8-11. Interpretation.

In the interpretation and application of this article that all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.
15-8-12. Warning and disclaimer or liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will he free from flooding or flood damages. This article shall not create liability on the part of the city of Hot Springs or any official or employees, thereof for any flood damages that result from reliance on this article or any administrative decisions lawfully made thereunder.

(Ord. No. 5742, § 1 (Art. III), 11-17-09)

ARTICLE IV. ADMINISTRATION


The public works project officer of the city of Hot Springs is hereby appointed the flood plain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to flood plain management.

15-8-14. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but be limited to, the following:

(a) Obtain accreditation each year as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the Arkansas Natural Resources Commission.

(b) Administer and implement the provisions of this Code and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management.

(c) Review applications for Floodplain Development Permits to:

(1) Evaluate proposed projects for reasonable safety from flooding;

(2) Evaluate proposed projects for conformance with No Adverse Impact principles;
(3) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and

(4) Ensure that proposed projects conform to the applicable provisions of this Code.

(d) Approve or deny applications for Floodplain Development Permits on the basis of:

(1) The proposed development's compliance or non-compliance with the provisions of this Code;

(2) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;

(3) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;

(4) The proposed development's susceptibility to flood damage;

(5) The proposed development's compatibility with existing and planned community development;

(6) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;

(7) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;

(8) The proposed development's functionally dependent use;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
(10) The relationship of the proposed use to the comprehensive plan for that area.

(e) Interpret the exact location of the boundaries of Special Flood Hazard Areas whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)

(f) Notify adjacent communities and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days prior to any alteration or relocation of a watercourse, and submit evidence of all such notifications to FEMA.

(g) Ensure that the flood carrying capacity within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.

(h) Obtain, review and reasonably utilize, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide base flood elevation data, any base flood elevation data and floodway data available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)

(i) Inspect floodplain developments as necessary to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.

(j) Issue Certificates of Compliance.

(k) Maintain all records and documents pertaining to this Code for public inspection.


(a) A Development Permit is required for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.
(b) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.

   (1) The documentation required with each Application for a Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependant upon the type of development proposed and the Risk Zone of the proposed development site. Article V, §15-8-18 contains standards for all developments in all Risk Zones. Article V, §15-8-19 contains standards for specific development types in specific Risk Zones.

   (2) The decision of the Floodplain Administrator to approve or deny issuance of a Development Permit is subject to appeal to the designated appeals board. Within the City of Hot Springs, Arkansas, the designated appeals board is the Board of Adjustments and Appeals.


   (a) Applicants must submit petitions for variances directly to the Board of Adjustments and Appeals.

   (b) Variances may only be issued:

   (1) if showing a good and sufficient cause;

   (2) if granting of the variance will not result in any adverse impact upon other lands;

   (3) if granting of the variance will not result in extraordinary public expense;

   (4) if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;

   (5) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;

   (6) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and

Cross reference—§15-1-10, Board of Adjustments and Appeals.
(7) all requirements of 44 CFR §65.12 are first met; or

(8) the following requirements are met:
   a. a No-Rise Certificate signed and sealed by a professional engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
   b. protective measures are employed to minimize damages during flooding events; and
   c. the variance does not result in any adverse impact to other lands.

(c) Examples of developments for which variance petitions may be appropriate include, but are not limited to:

(1) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;

(2) for the reconstruction, rehabilitation or restoration of a historical structure, provided that:
   a. the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure; and
   b. the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
   a. the criteria outlined in Article II, §15-8-16, (3) and (4) and Article II, §15-8-18 are met, and
   b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
15-8-17. Appeals board.

(a) Within the City of Hot Springs, Arkansas, the Board of Adjustments and Appeals is the designated Appeals Board.

(b) The Board of Adjustments and Appeals will consider an appeal only with allegations of an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Code.

(c) Upon consideration of the factors noted in Article II, §15-8-16 and §15-8-18, and the intent of this ordinance, the Board of Adjustments and Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purpose and objectives of this ordinance.

(d) Board of Adjustments and Appeals decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.

(e) Any time the Board of Adjustments and Appeals issue a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.

(f) Aggrieved parties may appeal any decision of the Board of Adjustments and Appeals to the City Board of Directors.

(g) Aggrieved parties may appeal any decision of the City Board of Directors to a court of competent jurisdiction.

(Ord. No. 5742, § 1 (Art. IV), 11-17-09)

ARTICLE V. FLOOD HAZARD REDUCTION STANDARDS

15-8-18. General standards.

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site:
(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All critical facilities constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to exceed 500-year flood protection standards or located outside the SFHA.

(e) The placement or construction of all new structures must be in full compliance with the provisions of this Code.

(f) For purposes of this Code, all mixed-use structures are subject to the more stringent requirements of residential structures.

(g) A substantial improvement or substantial damage to an existing structure triggers a requirement to bring the entire structure into full compliance with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition or any other improvement, must meet the standards of new construction in this Code.

(h) Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.

(i) All manufactured homes to be placed within a Special Flood Hazard Area on a community’s FIRM shall be installed using methods and practices, which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
(j) The design or location of electrical, heating, ventilation, plumbing and air conditioning equipment for new structures, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.

(k) The design of all new and replacement water supply systems must minimize or eliminate infiltration of floodwaters into the system during base flood events.

(l) The design of all new and replacement sanitary sewage systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.

(m) The placement of on-site waste disposal systems must avoid impairment to, or contamination from, the disposal system during base flood events.

(n) Construction of basement foundations in any Special Flood Hazard Area is prohibited.

(o) New construction and substantial improvements, with fully enclosed areas (such as garages and crawlspaces) below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than 1 foot above grade.

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(p) The placement of recreational vehicles (RV) in Special Flood Hazard Areas must either:
a. be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else

b. meet all provisions of this Code applicable to manufactured home structures.

(q) All proposals for the development of a residential subdivision, commercial business park or manufactured home park/subdivision must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(r) All proposals for the development of a residential subdivision, commercial business park or a manufactured home park/subdivision must include an adequate drainage plan to reduce exposure to flood hazards.

(s) All proposals for the development of a commercial business park or a manufactured home park/subdivision must include an adequate evacuation plan for the escape of citizens from affected nonresidential structures during flooding events.


In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

(a) In AE or A1-30 Risk Zones: Special Flood Hazard Area with base floods determined:

(1) For residential structures in Zone AE or A1-30:

a. For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the published BFE. This elevation must be documented on an Elevation Certificate property completed by a professional engineer, surveyor or architect licensed to practice in the State of Arkansas.

b. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
c. For any reconstruction, rehabilitation, addition or other improvement to an existing residential structure that is less than a substantial improvement, only the approved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

(2) For nonresidential structures in Zone AE or A1-30:

a. All new commercial, industrial or other nonresidential structures must either:

1. have the lowest floor (including basement) elevated 2 feet or more above the base flood level or

2. be flood proofed such that, together with attendant utility and sanitary facilities, be designed so that below 3 feet or more the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

b. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures, the entire structure becomes subject to the requirements of a new nonresidential structure.

c. For any reconstruction, rehabilitation, addition or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.
(3) For manufactured homes in Zone AE or A1-30:

a. All manufactured homes that are placed or substantially improved on sites:

1. outside of a manufactured home park or subdivision;

2. in a new manufactured home park or subdivision;

3. in an expansion to an existing manufactured home park or subdivision; or

4. in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community’s FIRM that are not subject to the provisions of paragraph “a” of this section be elevated so that either:

1. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation; or

2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. For all substantial improvements or substantial damage to an existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

d. For any reconstruction, rehabilitation, addition or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
e. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvement or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(b) In floodways: High risk areas of stream channel and adjacent floodplain

(1) Developments in regulatory floodways are prohibited, unless:

a. A No-Rise Certificate, signed and stamped by a professional engineer licensed to practice in the State of Arkansas, is submitted to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; or

b. All requirements of Federal Regulations 44 CFR §65.12 60.3 (d)(1-4) are first met, which reads from the Regulations as follows:

(d). When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community’s FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones and A zones on the community’s FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principal that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Administrator.

(Ord. No. 5941, §2, 5-7-2013)

(2) No manufacture home may be placed in a regulatory floodway, regardless of elevation height, anchoring methods or No-Rise Certification.

(c) In AH or AQ Risk Zones: Special flood hazard areas of shallow flooding

(1) For residential structures in Zones AH or AO:

a. All new residential structures must be constructed with the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community’s FIRM. This elevation must be documented on an elevation certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the State of Arkansas.

b. For all substantial improvements of substantial damage or existing residential structure, the entire structure becomes subject to the requirements of a new residential structure.
c. For any reconstruction, rehabilitation, addition or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

(2) For nonresidential structures in Zones AH or AO:

a. All new commercial, industrial or other nonresidential structures must either:

1. have the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth numbers specified (at least 2 feet if no depth number is specified) on the community’s FIRM, with documentation on an Elevation Certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the State of Arkansas; or

2. be flood-proofed such that the structure, together with attendant utility and sanitary facilities, be designed so that below 3 feet or more above the published BFE in Zone AH, or 3 feet or more above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

b. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures, the entire structure becomes subject to the requirements of a new nonresidential structure.

c. For any reconstruction, rehabilitation, addition or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

(3) For manufactured homes in Zones AH or AO:

a. All manufacture homes that are placed or substantially improved on sites:
1. outside of a manufactured home park or subdivision;

2. in a new manufactured home park or subdivision;

3. in an expansion to an existing manufactured home park or subdivision; or

4. in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the dept number specified (at least 2 feet if no depth number is specified) on the community’s FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community’s FIRM that are not subject to the provisions of paragraph “a” of this section be elevated so that either:

1. the lowest floor of the manufactured home meets the elevation standard of paragraph “a”; or

2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

d. For any reconstruction, rehabilitation, addition or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
(4) Where FEMA has not established a regulatory floodway in Zones AH or AO, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.

(5) Require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(d) In “A” Risk Zones: Special flood hazard areas with no base flood elevations determined

(1) In Zone A, the applicant or the applicant’s agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.

(2) For residential structures in Zone A:
   a. For all new residential structures, the top surface of the lowest floor must have an elevation of 2 feet or more above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the State of Arkansas.
   b. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
   c. For any reconstruction, rehabilitation, addition or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

(3) For nonresidential structures in Zone A:
   a. All new commercial, industrial or other nonresidential structure must either:
      1. have the lowest floor (including basement) elevated 2 feet or more above the base flood level, or
2. be flood-proofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

b. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

c. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures, the entire structure becomes subject to the requirements of a new nonresidential structure.

d. For any reconstruction, rehabilitation, addition or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

(4) For manufactured homes in Zone A:

a. All manufactured homes that are placed or substantially improved on sites:

   1. outside of a manufactured home park or subdivision;
   2. in a new manufactured home park or subdivision;
   3. in an expansion to an existing manufactured home park or subdivision; or
   4. in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet
or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community’s FIRM that are not subject to the provisions of paragraph “a” of this section be elevated so that either:

1. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation; or

2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. For all substantial improvements or substantial damage to existing manufactured homes, the entire structure becomes subject to the requirements of a new manufactured home.

d. For any reconstruction, rehabilitation, addition or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.


(a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article I, §15-8-1, §15-8-2 and §15-8-3 of this ordinance.

(b) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of Article II, §15-8-13; and Article III, §15-8-19 and §15-8-20 of this ordinance.

(c) Base flood elevation data and a regulatory floodway, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided.
(d) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 5742, § 1 (Art. V), 11-17-09)

ARTICLE VI. VARIANCES AND PENALTY


(a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the City Engineer shall review such requests for variances and shall forward his recommendation to the Board of Adjustments and Appeals for final action so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a variance shall be granted:

(1) The conditions upon which the request for variance is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.

(2) The granting of the variance will not be detrimental to the public safety, health or welfare of, or injurious to, other property.

(b) No variance shall be granted except upon written petition by the developer when the request for approval is filed with the city. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made. In approving variances, the Board of Adjustments and Appeals may, at its option, require special conditions to ensure construction in accordance with objectives, standards and requirements of this ordinance.

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.

(Ord. No. 5742, § 1 (Art. VI), 11-17-09)
ARTICLE I. GENERAL

15-9-1. Adoption and purpose.

15-9-1.1. Adoption.

The following excavating and grading regulations are hereby adopted and this ordinance shall be referred to as the “Hot Springs Excavating and Grading Code.”

15-9-1.2. Purpose.

The purpose of this Code is to safeguard life, limb, property and the public welfare by regulating excavation and grading on private and publicly owned property.


This Code sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of excavation and grading construction.

Cross references-Plumbing, § 15-6-1 et seq; excavations in streets, § 15-10-29 et seq; fee schedule, §15-9-92.

No person shall do any excavation or grading without first having obtained a permit from the city engineer except for the following:

(a) Excavation or grading in an isolated, self-contained area of one-half acre or less if there is no danger apparent to private or public property.

(b) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 4 feet after the completion of such structure.

(c) Cemetery graves.

(d) Refuse disposal sites controlled by other regulations.

(e) Excavations for wells or tunnels or utilities.

(f) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property. Provided, further, that such operations shall comply with federal and state regulations and local zoning requirements governing such operations. Evidence of such compliance shall be submitted to the city engineer.

(g) Exploratory excavations under the direction of soil engineers or engineering geologists.

(h) An excavation which (a) is less than 2 feet in depth, or (b) which does not create a cut slope greater than 5 feet in height and steeper than one and one-half horizontal to one vertical.

(i) A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed one-half acre on any one lot and does not obstruct a drainage course.

(j) Earth work performed under an approved building permit.
(k) Utility cuts performed by or on behalf of a public utility.

(l) Work performed as part of an approved subdivision development according to the subdivision regulations as may now or hereafter be enacted by the board of directors.

(m) Street and drainage work performed within a public right-of-way by or on behalf of a public agency.

(n) The requirement of this Code may be waived by the city manager or his designee in time of natural disaster or other such emergencies.


Whenever any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the city engineer shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this Code.

15-9-5. Discovery of historic resources.

Whenever, during the conduct of grading, any historical, pre-historical, or paleontological materials are discovered, excavation and grading shall cease and the city engineer and the appropriate state agencies shall be notified.

15-9-6. Work site requirements.

Provisions shall be made to adequately control dust. Provisions shall be made to keep public streets clean and all debris, soil or mud from the site, or hauling which is deposited on public streets shall be cleaned immediately. Any damage to existing underground utilities shall be repaired at the expense of the developer.

15-9-7. Fording streams.

Fording streams with construction equipment may be permitted provided that the methods are shown on the plans. Other activities, which destabilize stream banks, shall not be permitted.

These regulations shall be used in association with the latest adopted regulations relating to: (a) street specifications; (b) drainage specifications; (c) building and technical codes; (d) subdivision regulations; (e) planning and zoning regulations; and (f) other applicable ordinances, rules and regulations of the city. Where two or more of these specifications conflict, the most restrictive specification or regulation shall govern.


(a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the city engineer shall review such requests for variances and shall forward his recommendation to the board of adjustments and appeals for final action so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a variance shall be granted:

(1) The conditions upon which the request for variance is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.

(2) The granting of the variance will not be detrimental to the public safety, health or welfare of, or injurious to, other property.

(3) The variance will not in any manner vary the provisions of this Code.

(b) No variance shall be granted except upon written petition by the applicant at the time a permit application is filed with the city engineer. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made. In approving variances, the board of adjustments and appeals may, at its option, require special conditions to ensure that work is accomplished in accordance with objectives, standards and requirements of this Code. (Ord. No. 5535, §2, 2-5-07)

Cross reference—§2-8-14, Board of adjustments and appeals.

The penalty for violation of this Code shall, upon conviction in the Hot Springs Municipal 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.

Cross reference—Violation of building and development codes - disconnection of water service, §15-1-8.


ARTICLE II. DEFINITIONS


The following words, terms, phrases, abbreviations, or acronyms, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Approval by city, submitted for approval or similar terms shall refer solely to the action of the city in reviewing an excavation and grading plan submitted by a developer for the purpose of determining whether the proposal conforms with the requirements of this Code. Such review and approval shall not be construed to indicate that the city has engineered the project, has independently examined or reviewed the engineering design of the project, that the city has thoroughly inspected construction, that purchasers or users should rely on the city’s action as indicating the project is properly designed or constructed, nor to indicate any other level of review, inspection or supervision in excess or in addition to review of the project to determine that it meets the minimum requirements of this Code. All acts of approval shall be accomplished only by the employees of the city expressly authorized by the board of directors or city manager to accomplish such tasks of approval. Further, in approving the proposed project as meeting the minimum requirements of this Code, the city shall rely on the statements and representations made in the request for application, design, plans and specifications.

As-graded is the surface conditions extent on completion of grading.


Bedrock is in-place solid rock.
Bench is a relatively level stop excavated into earth material on which fill is to be placed.

Board of adjustments and appeals. Any reference to a board of adjustments and appeals shall mean such appeals board as may now or hereafter exist and be designated by the board of directors to serve in that capacity for the purposes of this code. (Ord. No. 5535, §1, 2-5-07)

Board or board of directors means the duly elected governing body of the City of Hot Springs, Arkansas.

Borrow is earth material acquired from an off-site location for use in grading on a site.

Certification shall mean a written engineering or geological opinion concerning the progress and completion of the work.

City: The words “the City” or “this City” shall be construed as if the words “of Hot Springs” follow it and shall extend to and include its several officers, agents and employees.

City engineer means the employee of the City designated by the City Manager as the City Engineer or acting in the capacity of a City Engineer for purposes of this Code (e.g., Public Works Director, Planning Director, etc.).

Civil engineer shall mean a professional engineer registered in the state to practice in the field of civil works.

Commission means the Planning Commission of the City of Hot Springs, Arkansas, as established by ordinance of the Hot Springs Board of Directors.

Compaction is the densification of a fill by mechanical means.

Comprehensive plan means the officially adopted guide to the orderly, coordinated development of the community, i.e., the City of Hot Springs, Arkansas, Comprehensive Plan.

County means Garland County, Arkansas.

County judge means the chief executive officer of Garland County, Arkansas.

Clearing means the removal of natural vegetation including trees, bushes, vines, weeds, grass, etc.
Cut means the excavation or removal of earth material resulting in a surface elevation lower than the existing or original surface.

Developer means any person, firm, partnership, corporation, utility or other entity planning, constructing, altering, or reconstructing any excavation or grading work within or pertaining to any property within the city limits.

Disturbed area means surface areas that the natural vegetation has been destroyed or the surface elevation has been changed due to cutting or filling activities.

Earth material is any rock, natural soil or fill and/or any combination thereof.

Easement means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer means a professional engineer registered to practice in the State of Arkansas.

Engineer project means the professional engineer retained by the developer to design a specific excavation or grading work project.

Engineering geologist shall mean a geologist experienced and knowledgeable in engineering geology.

Erosion is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

Excavation is the mechanical removal of earth material.

Existing grade is the grade prior to grading.

Fill means the placement of earth material resulting in a surface elevation higher than the existing or original surface.

Finish grade is the final grade of the site which conforms to the approved plan.

Grade means the slope of a surface, calculated by the vertical rise (+) or fall (-) of a segment divided by the horizontal length of the segment, expressed in percentage terms.

Grading is any excavating or filling or combination thereof.

Highway means a street or roadway which is part of the state highway system which is maintained and/or proposed by the Arkansas Highway and Transportation Department.
Off-site means any property not located within the bounds of the property on which excavation or grading work is performed.

Paved area means all areas which are or proposed to be surfaced with gravel, asphalt, concrete, or similar surface treatment material.

Public street system means the total sum of the public streets including local, minor collectors, major collectors, arterials and highways. The public street system shall include all streets whether by dedication (platted) or prescriptive use and whether or not accepted for maintenance by the city or county.

Re-vegetation means the planting or seeding of areas for the purpose of establishing adequate vegetation to prevent erosion of earth material or migration of sediment.

Right-of-way means a parcel or strip of land dedicated or deeded to the public or belonging to the public, and accepted by proper authority, by prescriptive rights for use as a street, walkway, railroad, utility or other public use.

Rough grade is the stage at which the grad approximately conforms to the approved plan.

Site is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Slope is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Stabilization means the securement of soil or earth material in such a manner that it can not be moved or relocated by natural means such as gravity, water flow or wind.

Street means a right-of-way used or intended for use by vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the city or county.

Terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Utility means any part of a group of units which provides service to the public, specifically including; electrical power, telephone service, gas supply, television cable service, water and sanitary sewer.
Utility company means the owner of any utility facility which holds a valid franchise to operate such utility within the area of an excavation or grading work project.

Vegetation means any natural or planted growth including trees, grass, vines, bush, weeds, shrubs, etc.

ARTICLE III. PERMITS AND PLANS


Except as otherwise exempted in this Code, no person shall do any excavation or grading without first obtaining a permit from the city engineer. A separate permit shall be required for each site, and may cover both excavations and fills.

Cross reference - Permit issuance prohibited if indebted to city, §4-11-2.


To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall include, either on the form or as an attachment thereto, the following information:

(a) The name and address of the owner of the property on which the proposed work will take place;

(b) The name, address and contact person for any person, firm, or corporation engaged to perform the work on behalf of the owner;

(c) A description of the work to be covered by the permit for which application is made.

(d) A map or plat of the property on which the proposed work is to be done, illustrating the lot, block, tract number, and street address, or similar description that will readily identify and definitely locate the proposed work including any adjacent public rights-of-way and street names and locations;

(e) The total acreage of the subject property and the acreage of the area to be disturbed; and
(f) Such additional information as the city engineer may consider appropriate to the review of the project, including flood information, downstream and/or upstream drainage structures, existing utility locations, soils information, provisions for collecting and discharging surface water, erosion control methods to be used, etc.

The permit application shall be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority. The permit application shall be accompanied by such plans and specifications as may hereinafter be required.


(a) Each application for an excavation and grading permit shall be accompanied by two (2) sets of plans and specifications, prepared, stamped and signed by an Arkansas registered civil engineer, if:

(1) the proposed excavation or grading would alter storm drainage discharge location or characteristics of storm water run-off; or

(2) the maximum vertical cut or fill will exceed four feet (4') within ten feet (10') horizontal distance from the property line; or

(3) the city engineer determines that the extent of the proposed excavation or grading work could create a significant impact to the public or adjacent properties.

(b) When required plans shall be to scale no smaller than 1 inch equals 100 feet and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared. Information required to be contained in the permit application or attached thereto may be incorporated into the plans and specifications. In addition to the information required to be included in or attached to the application, the plans shall include the following additional information:

(1) Accurate contours of existing ground shown in dashed lines at a maximum of two-foot elevations;

(2) Limiting dimensions, elevations or finish contours to be achieved in solid lines by the grading, and proposed drainage channels and related construction;
(3) Detailed plans of all surface and subsurface drainage devices, retaining walls, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;

(4) Location of any existing or proposed buildings or structures on the property where the work is to be performed and the location of any existing or proposed buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations;

(5) Provisions for collecting and discharging surface water and erosion control methods to be used;

(6) Grade designations expressed in percent (%);

(7) Identification of all undisturbed land;

(8) Location of any known underground utilities and easements within or adjacent to the property;

(9) Location of the 100-year flood plain as identified by FEMA;

(10) Location of natural features such as drainage ways, ponds, or rock outcropping;

(11) All elevations must be stated in Mean Sea Level Datum and this fact indicated in a note on the plan sheet; and

(12) Specifications shall contain information covering construction and material requirements.


Any application for an engineered grading project upon which a building(s) is proposed to be located following completion of the grading and excavation shall also be accompanied by the following reports:

(a) A soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.
(b) An engineering geology report including an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.


(a) The application, plans, and specifications filed by an applicant for a permit shall be checked by the city engineer. If the city engineer is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that the appropriate fees have been paid, a permit shall be issued to the applicant. When the city engineer issues the permit, he/she shall endorse in writing or stamp on both sets of plans and specifications “APPROVED.” Such approved plans and specifications shall not be changed, modified, or altered without authorization from the city engineer, and all work shall be done in accordance with the approved plans.

(b) One set of approved plans, specifications, computations and reports shall be retained by the city engineer for a period of not less than 90 days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such site at all times during which the work authorized thereby is in progress.

(c) The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans, specifications, and reports shall not prevent the city engineer from thereafter requiring the correction of errors in said plans and specifications. The city engineer may require that grading operations and project design be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

(d) Every permit issued by the city engineer under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 120 calendar days from the date of such permit. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion.

(e) The city engineer may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code.

A fee for each excavation and grading permit shall be paid to the city at the time the permit is issued. Said fee(s) shall be such amount as may be established by resolution of the board of directors.

Editor's note—Said permit fees are set out in §15-9-92 of this Code.

Cross reference—Permit issuance prohibited if indebted to city, §4-11-2.


ARTICLE IV. PERFORMANCE


(a) The permittee shall provide a performance assurance to the city. Each assurance shall be in the amount of one hundred percent of the estimated cost of compliance with this ordinance. In this regard, the estimated costs shall be limited to those costs necessary to protect adjoining properties and the public health and safety. The assurance shall be provided in one of the following forms.

(1) A bond issued by a bonding company licensed to do business in the state of Arkansas. The bond shall be in the form approved by the city attorney. A certificate of the power of attorney for the individual executing such bonds shall also be submitted.

(2) A cash deposit or a cashier’s check, in the full amount, made to the City of Hot Springs.

(3) An irrevocable letter of credit in the full amount. If a letter of credit is utilized, the letter shall be from a bank insured under the Federal Depositors Insurance Corporation, and the city shall have the right of approval for the terms of such letter of credit.

(4) An escrow account established with a bank which is insured by the Federal Depositors Insurance Corporation. Such escrow account shall be set up for the specific purpose of guaranteeing the performance and payment and/or maintenance of the project, and shall be in the amount of one hundred percent of the estimated project cost.
(5) The developer may provide a certificate of deposit, treasury bond or other negotiable government security, in the full amount. The instrument will be returned to the developer upon final acceptance of the project by the city.

(b) The assurance may be reduced during the construction period as each phase of work is completed in proportion to the value of such completed work.

(c) Except as may be reduced based on completed work, the performance assurance shall remain in effect throughout the construction period including re-vegetation, and shall not be canceled or otherwise diminished prior to final acceptance of the project by the city.


ARTICLE V. CUTS


Excavation and/or embankment which is not restrained by a structure shall be governed by this Code when the boundary of the work is within a horizontal distance equal to twice the vertical distance from natural ground to proposed grade. Any placement of material for filling purposes or removal of the existing shall be done in a controlled manner so as to:

(a) Maintain the boundaries of the work at least five feet (5'0") away from any public right-of-way or proposed right-of-way, unless approved otherwise by the city engineer.

(b) Provide a minimum factor of safety of 1.5 against rotational or translational slides.

(c) Maintain drainage inlet and outlet points at the same horizontal and vertical positions along the right-of-way as before the work.

(d) Provide adequate drainage from the material and embankments and excavations to prevent instability caused by saturated materials.

(e) Control erosion caused by surface water flowing over unprotected slopes. Adequate slope protection shall be provided on all earth slopes governed by this Code using either grass, ground cover, stone rip-rap, portland cement-concrete or asphalt.

Unless otherwise recommended in the approved soil engineering and/or engineering geology report, cuts shall conform to the provisions of this Article.


The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical except as may be approved by the city engineer.

15-9-33. Drainage and terracing.

Drainage and terracing shall be provided as required by Article XIII.


ARTICLE VI. FILLS


Retaining structure where the difference in final grade elevation between the front and the back side exceeds four feet (4') and the face of the wall is within a horizontal distance of the right-of-way equal to twice the vertical distance from natural ground to proposed grade, the wall shall be designed by an Arkansas Registered Professional Engineer. Walls shall be designed taking into account fluid overturning pressures not less than thirty-five (35) pounds per cubic foot. Walls shall provide weep holes or other drainage adequately spaced to provide drainage from material behind the wall. Permanent retaining structures may be either cantilever, counterboot, buttress, binwall, tied or gravity types with a safety factor of at least two (2) against overturning.

Plans must include the necessary section drawings and elevation drawings to show reinforcement of concrete walls, dimensions of walls, elevations of walls, and the location of the wall on the property.

15-9-41. Required retaining wall and rock cut design.

(a) Any retaining wall more than 4 feet in height shall be designed by a registered professional engineer and shall be field inspected by the design engineer. The city engineer may require retaining walls less than 4 feet in height to be designed and certified by a professional engineer.
(b) All proposed rock cuts and any cut slope resulting in a vertical height of 10 feet or greater shall require a geotechnical investigation and a formal report submitted by a registered professional engineer qualified to make such investigations.

(c) Safety railings or other safety devices may be required on any retaining wall 2.5 feet or higher. The decision as to whether to require safety railing shall be based on potential pedestrian and public access to the retaining wall and applicable building codes. This requirement for safety rails shall also apply to vertical or near vertical rock cuts and to steep cut or fill slopes.

15-9-42. General.

Unless otherwise recommended in the approved soil engineering report, fills shall conform to the provisions of this Article. In the absence of an approved soil engineering report, these provisions may be waived for minor fills not intended to support structures.

15-9-43. Fill location.

Fill slopes shall not be constructed on natural slopes steeper than two to one or where the fill slope toes out within 12 feet horizontally of the top of existing or planned cut slopes.

15-9-44. Preparation of ground.

The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials as determined by the soil engineer, and, where the slopes are five to one or steeper, by benching into sound bedrock or other competent material.

15-9-45. Fill material.

Earth materials which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than 8 inches shall be used except as may be approved by the city engineer. No materials such as construction materials that are required to be placed in an Arkansas Department of Environmental Quality approved landfill shall be used as fill material.

All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM Standard for the moisture-density relations of soils. Field density shall be determined in accordance with ASTM Standard for the in-place density of soils or equivalent as approved by the city engineer. The city engineer may require soil tests during compaction work at the expense of the developer.

15-9-47. Slope.

The slope of fill surfaces shall be no steeper than 15% (6.67 horizontal to 1 vertical) unless keyed into steps in the existing grade and thoroughly stabilized by mechanical compaction.


Drainage and terracing shall be provided and the area above fill slopes and the surfaces of terraces shall be graded and paved as required by Article VIII.

15-9-49. Reserved.

The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes. The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes. Unless otherwise recommended in the approved soil engineering and/or engineering geology report and shown on the approved grading plan, setbacks shall be no less than shown below.

### SETBACKS

<table>
<thead>
<tr>
<th>H in feet</th>
<th>a</th>
<th>b</th>
<th>c</th>
<th>d</th>
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</thead>
<tbody>
<tr>
<td>1-10</td>
<td>3'</td>
<td>2'</td>
<td>3'</td>
<td>5'</td>
</tr>
<tr>
<td>11-30</td>
<td>(H/2)'</td>
<td>3'</td>
<td>(H/2)'</td>
<td>7'</td>
</tr>
<tr>
<td>31 and Over</td>
<td>15'</td>
<td>3'</td>
<td>15'</td>
<td>10'</td>
</tr>
</tbody>
</table>

ARTICLE VIII. DRAINAGE AND TERRACING

15-9-60. Storm drainage.

The size in acres of any drainage basin larger than two (2) acres draining across the site shall be determined and shown on the site plan. Provisions shall be made for the water to be intercepted and deposited at the same location both horizontally and vertically, as prior to development of the site. Where drainage exists for streets and roads in the perimeter of the site, the drainage shall be developed according to criteria set forth by the city engineer. Drainage may be either open channel or culvert and the size of the drain must be shown on the site plan.


Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provision of this Article.


Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals to control surface drainage and debris. Suitable access shall be provided to permit proper cleaning and maintenance. Swales or ditches on terraces shall have a minimum gradient of 5 percent and surfaces adequately protected against soil erosion and runoff. They shall have a minimum depth at the deepest point of 1 foot and a minimum paved width of 5 feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

15-9-63. Subsurface drainage.

Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

15-9-64. Disposal.

All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the city engineer and/or other appropriate jurisdiction as a safe place to deposit such waters. If drainage facilities discharge onto natural ground, riprap may be required. At least two percent gradient toward approved drainage facilities from building pads will be required unless waived by the city engineer for nonhilly terrain. Exception: The gradient from the building pad may be one percent where building construction and erosion control will be completed before hazardous conditions can occur.

ARTICLE IX. EROSION CONTROL

15-9-70. Erosion and sedimentation control.

(a) Permanent improvements. Permanent improvements such as streets, storm sewers, curbs, gutters and other features for control of runoff shall be scheduled coincidental to removing vegetative cover from the area so that large areas are not left exposed beyond the capacity of the temporary control measures.

(b) Top soil. Top soil may be stockpiled and protected for later use on areas requiring landscaping. If top soil or other soil is to be stockpiled for more than 30 days, it shall be temporarily covered.

(c) Existing vegetation. Existing vegetation shall be protected in all undisturbed areas as shown on the plans.

(d) Re-vegetation. Re-vegetation shall be required within three months after completion cutting or filling disturbed areas. Re-vegetation shall be required to meet the following performance standards:

(1) 0 to 10% grade: Re-vegetation shall be a minimum of seeding and mulching. Said seeding shall provide complete and uniform coverage that minimizes erosion and run-off in no more than two growing seasons.

(2) 10% to 15% grade: Re-vegetation shall be a minimum of hydro-seeding with mulch and fertilizer, staked sod and/or ground cover. Said planting shall provide complete and uniform coverage in no more than two growing seasons.

(3) 15% to 25% grade: The slope shall be covered with landscape fabric and planted with ground cover.

(4) More than 25% grade: Any finish grade over 25% shall be stabilized with retaining walls, cribbing, terraces, landscape fabric, vegetation, or riprap. If riprap is used the slope's stability and erodibility must be equivalent to or better than its pre-development state.

(e) Plant/Water. Plant materials may need to be watered or irrigated. Where irrigation or regular watering is not available, only native or acclimated plant species shall be used. If the soil cannot properly sustain vegetation, it must be appropriately amended. If re-vegetation is not established after one year, the city engineer shall require that it be redone in part or in total.
(f) **Plant/Terrace bench.** Plant materials shall be planted along terrace benches. Said plantings shall be spaced as necessary to thoroughly stabilize the terrace bench. The remainder of the terraced slope shall be re-vegetated and stabilized according to §15-9-1.70 (d) above.

(g) **Permanent erosion control.** Permanent erosion control measures shall be constructed or installed within thirty (30) days of completion of cutting or filling. Temporary erosion control measures shall be used to correct conditions that develop during construction that were unforeseen during the design stage, that are needed prior to installation of permanent erosion control features, or that are needed temporarily to control erosion that develops during normal construction projects, but are not associated with permanent control features on the project.


The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slope shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.


### ARTICLE X. GRADING INSPECTION

15-9-80. Field changes.

The city engineer shall be notified of any field changes prior to commencing with the work involved if earth slopes, retaining structures or storm drainage is affected.


All grading operations for which a permit is required shall be subject to inspection by the city engineer. Special inspection of grading, operations and special testing shall be performed in accordance with the engineered grading requirements hereinafter.

15-9-82. Non-engineered grading requirements.

Projects for which plans and specifications are not required (non-engineered grading projects) shall be inspected by the city engineer.
15-9-83. Engineered grading requirements.

(a) For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and certification of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the city engineer. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.

(b) Soil engineering and engineering geology reports shall be required as specified in Article III. During grading all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the city engineer by the soil engineer and the engineering geologist.

(c) The soil engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

(d) The engineering geologist’s area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.

(e) The city engineer shall inspect the project at various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

15-9-84. Regular grading requirements.

The city engineer may require inspection and testing by an approved testing agency. The testing agency’s responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the city engineer has cause to believe that geologic factors may be involved, the grading operation will be required to conform to “engineered grading” requirements.

If, in the course of fulfilling their responsibility under this Code, the civil engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this Code or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the city Engineer. Recommendations for corrective measures, if necessary, shall be submitted.

15-9-86. Transfer of responsibility for certification.

If the civil engineer, the soil engineer, the engineering geologist or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for certification upon completion of the work.


ARTICLE XI. COMPLETION OF WORK

15-9-90. Final reports.

Upon completion of the rough grading work and at the final completion of the work, for any engineered grading project, the city engineer may require the following reports and drawings and supplements thereto:

(a) An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. He shall provide certification that the work was done in accordance with the final approved grading plan.

(b) A soil grading report prepared by the soil engineer including locations and elevations of field density test, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He shall provide certification as to the adequacy of the site for the intended use.

(c) A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall provide certification as to the adequacy of the site for the intended use as affected by geologic factors.

The permittee or his agent shall notify the city engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

(Ord. No. 5096, §§1, 5-20-02)

The following fees are hereby adopted for permits issued pursuant to the Excavation and Grading Code.

<table>
<thead>
<tr>
<th>DISTURBED AREA (in acres)</th>
<th>FEE PER PERMIT</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Non-Engineered Projects</td>
</tr>
<tr>
<td>Less than 1 acre</td>
<td>$50</td>
</tr>
<tr>
<td>Greater than 1 acre</td>
<td>$50 for first acre plus $25 for each additional acre, up to a maximum of 10 acres; $275 maximum per permit.</td>
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</tbody>
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(Res. No. 4902, 5-20-02)

*Editor's note-*§15-9-92 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.

*Cross reference -* Permit issuance prohibited if indebted to city, §4-11-2.


15-9-95. Participation in state one-call system.

(a) Act 600 of 1987, the state Underground Facilities Damage Prevention Act, requires cities to participate in the state one-call system unless electing not to participate by ordinance by December 31, 1988. The city agrees in principle with the state one-call system and will voluntarily call when doing excavations that may affect other utilities.

(b) The city elects not to mandatorily participate in the one call system at this time. The city further reserves the right to become a member of the state one-call system at a later date.

(c) The city encourages utility companies and others doing excavations to cooperate with the state one-call system in notifying that agency of planned excavations at least forty-eight (48) hours prior to actual work except for bona fide emergencies. Notification of emergencies should be as soon as practical and prior to excavation when possible.
(d) Nothing in this section shall be construed to eliminate the requirement for all persons, firms or corporations making a cut in any street within the corporate limits of the city to obtain a permit from the city engineer's office under the provisions of Ordinance No. 4835.

(Ord. No. 3979, §§ 1-3, 11-21-88)
CHAPTER 10

STREET SPECIFICATIONS

Art. I. Scope and definitions, §§ 15-10-1--15-10-2
Art. II. General requirements, §§ 15-10-3--15-10-13
Art. III. Classified street segments and basic design criteria, § 15-10-14
Art. VI. Pavement cuts and utilities within rights-of-way, §§ 15-10-29–15-10-31
Art. VII. Curb cuts and driveways, § 15-10-32
Art. VIII. Variances and penalty, §§ 15-10-33–15-10-34

ARTICLE I. SCOPE AND DEFINITIONS

15-10-1. Scope.

15-10-1.1. Short title.

This ordinance may be referred to as the “Hot Springs Street Specifications Ordinance.”

15-10-1.2. Adoption of Street Specifications Ordinance.

In order to provide for the health, safety, and general welfare of the public, the city of Hot Springs board of directors does hereby adopt the street specifications contained hereinafter.

15-10-1.3. Minimum standards.

These street specifications shall be the minimum standards for design, construction, and maintenance for any and all work to be done on the public rights-of-way of any and all streets and roads within the city limits of the city of Hot Springs, Arkansas, and on any street within a proposed subdivision within the planning jurisdiction of the city of Hot Springs, Arkansas.

15-10-1.4. Approval required.

No public street shall be constructed, altered, paved, reconstructed, or extended within the planning jurisdiction of the city of Hot Springs, except in the case of an emergency, without first obtaining approval of the city of Hot Springs. All such construction shall meet or exceed the requirements of these street specifications.

Cross reference—Fee schedule, § 15-1-7; Subdivision Code, §16-4-1.
15-10-1.5. Related standards.

These street specifications shall be used in association with the latest adopted ordinances and regulations relating to; (1) subdivisions, (2) planning and zoning, (3) drainage, (4) utilities, and (5) sidewalks. Where two or more of these regulations conflict, the most restrictive specification shall govern.

15-10-1.6. Application.

These specifications shall apply to any and all work performed or proposed to be performed within or pertaining to any street right-of-way including, but not limited to, (1) new streets, (2) street extensions, (3) utilities, (4) drainage work, (5) driveways, (6) sidewalks, (7) landscaping, (8) street improvements.

15-10-1.7. Application to existing public streets.

Any commercial or multi-family (4-plex or larger) project or development located adjacent to an existing “public street” for which a building permit meeting new construction standards is required shall comply with the requirements stated in these street specifications for the installation of new curbs and gutters, sidewalks, drainage improvements and pavement cuts. Any existing curbs and gutters, sidewalks or drainage structures shall be replaced or repaired as necessary to comply with these street specification standards. Unless specifically required by the Planning Commission or City Engineer, a separate street improvement permit and submittals, as otherwise required by Article II hereof, shall not be required if the project plans and specifications submitted with the building permit application contain sufficient detail to ensure compliance with the appropriate sections of these street specifications. Provided, further, that the Planning Commission may require compliance with additional provisions of these street specifications as appropriate to the proposed development. (Ord. No. 5108, §1, 7-1-02)


The following words, terms, phrases, abbreviations, or acronyms, when used in these specifications, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

AASHTO: American Association of State Highway and Transportation Officials.

Alley: A public or private right-of-way which is proposed or exist to serve as a secondary access to the side of or rear of properties whose principal frontage is on some other street. A public alley shall be considered a street for the purposes of these specifications.

AHTD: Arkansas Highway and Transportation Department.

AHTD Standards or AHTD Specifications: The latest edition of the “Standard Specifications For Highway Construction” as published by the Arkansas Highway and Transportation Department.
**Applicant:** The developer.

*Approval by City, Submitted for Approval or Similar Terms:* Shall refer solely to the action of the city in reviewing a street work construction plan submitted by a developer for the purpose of determining whether the proposal conforms with the requirements of these specifications. Such review and approval shall not be construed to indicate that the city has engineered the project, has independently examined or reviewed the engineering design of the project, that the city has thoroughly inspected construction, that purchasers or users should rely on the city’s action as indicating the project is properly designed or constructed, nor to indicate any other level of review, inspection or supervision in excess or in addition to review of the project to determine that it meets the minimum requirements of these specifications. All acts of approval shall be accomplished only by the employees of the city expressly authorized by the city board or city manager to accomplish such tasks of approval. Further, in approving the proposed project as meeting the minimum requirements of these specifications, the city shall rely on the statements and representations made in the request for application, design, plans and specifications.


*Board of Adjustments and Appeals:* Any references to a Board of Adjustments and Appeals shall mean such appeals board as may now or hereafter exist and be designated by the board of directors to serve in that capacity for the purposes of this code. (Ord. No. 5533, §1, 2-5-07)

*Board or Board of Directors:* The duly elected governing body of the city of Hot Springs, Arkansas.

*City:* The words “the city” or “this city” shall be construed as if the words “of Hot Springs” follow it and shall extend to and include its several officers, agents and employees.

*City Engineer:* The employee of the city designated by the city manager as the city engineer or acting in the capacity of a city engineer (e.g., public works director).

*Commercial Establishment:* A unit whose function is to sell goods and/or services at wholesale or retail, where goods are not stored outside buildings, and offices of construction firms where neither materials nor equipment are stored, manufactured, or assembled on site. Establishments which would otherwise be considered within this definition but which have limited or incidental outside storage or assembly may be included in this definition.

*Commission:* The planning commission of the city of Hot Springs, Arkansas, as established by ordinance of the Hot Springs board of directors.

*Comprehensive Plan:* The officially adopted guide to the orderly, coordinated development of the community, i.e., the City of Hot Springs, Arkansas, Comprehensive Plan.
County: Garland County, Arkansas.

County Judge: The chief executive officer of Garland County, Arkansas.

Crosswalk: A strip of land dedicated for public use which is reserved across a street or a block of land for the purpose of providing pedestrian access to adjacent areas.

Cul-de-sac: A local street having only one outlet and having an appropriate terminus for the safe and convenient turnaround or reversal of vehicular traffic movement.

Developer: Any person, firm, partnership, corporation, utility or other entity planning, constructing, altering, or reconstructing any work within or pertaining to any street right-of-way within the city limits of the city, and any such entity proposing to extend, plan, or construct any street within the planning jurisdiction of the City of Hot Springs Planning Commission.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: A professional engineer registered to practice in the State of Arkansas.

Engineer, Project: The professional engineer retained by the developer to design a specific street work project.

Extraterritorial Area: The area between the city limits and the outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Extraterritorial Limits: The outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Grade: The slope of a street, calculated by the vertical rise (+) or fall (-) of a segment divided the length of the segment, expressed in percentage terms.

Highway: A street or roadway which is part of the state highway system which is maintained and/or proposed by the Arkansas Highway and Transportation Department.

Industrial Establishment: A unit where a product is manufactured, fabricated, finished, or assembled on site, specifically including but not limited to: printing presses, construction firms where materials or equipment are stored outside, and wholesalers where products are stored outside buildings. Establishments which would otherwise be considered within this definition but which have limited or incidental commercial use may be included in this definition.

Maintenance Bond: A bond furnished by the developer to the city to cover the cost of maintenance, repair or replacement of a street work project for a specific period of time.

Master Street Plan: The official street plan for the city denoting street classifications, alignments and their design standards as defined in the Street Specifications Regulations as may now or hereafter be adopted by the Hot Springs board of directors.
Off-Site: Any premises not located within the bounds of a street work project.

Parking Lanes: That portion of the paved width of a street which is designated as and reserved for parking vehicles. Said lanes may become traffic lanes or bicycle lanes as required for future demand.

Paved Area: All areas which are or are proposed to be surfaced with gravel, asphalt, concrete, or similar surface treatment material, and specifically includes traffic lanes, turning lanes, access lanes, parking lanes, curbs, gutters and sidewalks.

Pavement Width: That portion of a street measured from the outer edge of a paved surface at a right angle with the center line of the street. The width of pavement on curbed streets shall not include the width of the curbs and/or gutters.

Performance and Payment Bond: A bond posted by the developer of a street work project to guarantee completion of the proposed work, and to guarantee payment of all charges for labor, material, equipment and all other items and services used or utilized in the project are paid.

Planning Area or Jurisdiction: The area within the city limits of the city of Hot Springs plus the extraterritorial area of the Hot Springs planning commission as established by the city board.

Public Street System: The total sum of the public streets within the planning area including local, minor collectors, major collectors, arterials and highways. The public street system shall include all streets whether by dedication (platted) or prescriptive use and whether or not accepted for maintenance by the city or county.

Right-of-Way: A parcel or strip of land dedicated or deeded to the public or belonging to the public, and accepted by proper authority, by prescriptive rights for use as a street, walkway, railroad, utility or other public use.

Service Easement: A recorded easement used by public utilities for the purpose of installation and/or maintenance of facilities or used by the public as a means of vehicular access to commercial, office, industrial or multifamily developments.

Street: A right-of-way used or intended for use by vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the city or county.

Street, Arterial: Any street designed or used primarily to accommodate major traffic movement between cities or between various sections of the city, which forms a part of a network of through streets and which provides service and access to abutting properties only as a secondary function. Any street so designated by the city.

Street, Classified: Any street identified by the comprehensive plan as shown on Exhibit Number "T-3" thereof, Master Street Plan, Street Specifications, or otherwise designated by the city as highway, arterial, major collector, or minor collector.
Street, Commercial: A local street which serves one or more commercial establishments and no industrial establishments.

Street, Dead-End: A street other than a cul-de-sac with only one connection to the public street system.

Street, Existing: A street right-of-way on which a road bed and/or base or pavement has been placed and has been used by vehicular traffic.

Street, Expressway: Any divided street or highway with no access from abutting property and which has only separated or at-grade access from other public streets and highways.

Street, Freeway: Any divided street or highway with access control only through grade-separated interchanges.

Street, Frontage: A street parallel to and adjacent to an expressway or freeway which provides access to abutting properties.

Street, Industrial: A local street which serves one or more industrial establishments.

Street, Local: A street which serves only the properties which abut upon it, and: (1) which does or may provide access to not more than one hundred (100) single family residential units, (2) which does or may carry not more than an average of three (300) hundred vehicles per day.

Street, Loop: A street closed on either end with "T" intersections and which intersects the same street twice with no other access to the public street system.

Street, Major Collector: A street which function is to gather traffic from local streets, and minor collector streets and carry it to the highway and arterial system. Any street which does or may carry an average of 500 or more vehicles per day and not designated as arterial or highway. Any street so designated in the city’s comprehensive plan.

Street, Minor Collector: A street which function is to gather traffic from local streets and carry it to the major collector, arterial, and highway system. Any street not classified as major collector, arterial, or highway and not meeting the definition of a local street.

Street, Prescription: A strip of land which has become a public street by prescription, independent of any grant or dedication, due to its continued and uninterrupted use as a street by the public generally for seven (7) or more years absent evidence showing that the use was permissive only. (Ord. No. 5052, §1(a), 1-22-02)

Street, Private: Any street or roadway not dedicated to the public and accepted by proper authority nor recognized as a public street by the city board or the county judge on the effective date of these regulations. Also any street specifically allowed as a private street by the planning commission.
Street, Public: A street which has been dedicated to the public and accepted by proper authority, and a street by prescriptive rights which has been accepted by proper authority.

Street, Residential: A street existing or designed to provide vehicular traffic within a residential subdivision or a street which serves only residential properties.

Street Work: Any work of designing, planning, or constructing any facility within or pertaining to any existing or proposed street right-of-way within the city of Hot Springs and its extraterritorial area.

Surveyor: A land surveyor registered in the State of Arkansas.

Traffic Lanes: That portion of the paved width of a street exclusively reserved for the movement of vehicles. Traffic lanes include those lanes designed for turn lanes and access lanes. A turn lane is a traffic lane designed to be used by vehicles to turn from a street without interfering with traffic proceeding straight through the turning point. An access lane is a traffic lane used by vehicles entering the street to merge with other traffic using the street.

Utility: Any part of a group of units which provides service to the public, specifically including; electrical power, telephone service, gas supply, television cable service, water and sanitary sewerage.

Utility Company: The owner of any utility facility which holds a valid franchise to operate such utility within the area of a street work project.

ARTICLE II. GENERAL REQUIREMENTS

15-10-3. Request for approval.

15-10-3.1. Request for approval - City.

Prior to beginning construction of any street work, including work on existing streets or street extensions or new streets within the jurisdiction of these street specifications, the developer shall submit a request for review and approval to the planning department. The planning department shall submit a copy to the city engineer for his consideration. All such requests shall be approved by the planning director and the city engineer in accordance with the provisions of this ordinance. Should the planning director or the city engineer determine that the request could have a significant impact on the city’s master street plan, the request may be submitted to the planning commission for review and approval with recommendation from the planning director and city engineer.
15-10-3.2. Request for approval - County.

In addition to the above, a request for approval for any and all street work projects, within the extraterritorial planning area, shall be submitted to the county judge for consideration and approval in accordance with the county judge’s policies and procedures.

15-10-3.3. Request requirements.

Three (3) copies of each request shall be submitted and shall include the following documents:

(a) Letter requesting approval.

(b) Plans and specifications for the proposed street work.

(c) Vicinity map or other complete description of the location of the proposed street work, sufficient to clearly describe the location in such a manner as to enable the site to be easily located on city and/or county maps and in the field.

(d) Additional information that the city engineer may consider appropriate to the review of the project, including flood information, downstream and/or upstream drainage structures, existing utility locations, soils information, etc.

(e) Identification of ownership of the proposed project area and adjacent areas.

15-10-3.4. City engineer review and approval.

(a) The city engineer shall review all complete requests and approve, deny, or approve with conditions in writing any such request for approval of street work.

(b) The city engineer shall notify the developer, planning commission and/or county judge as required herein, in writing, within thirty (30) consecutive calendar days after he receives such complete request. Such approval shall be a statement that the city engineer finds that the proposed street work project, as presented in the submitted documents, meets the minimum requirements of these specifications. This approval shall be referred to as the approval of plans and specifications. A permit for construction must be issued by the city engineer prior to commencing construction for any street work on existing streets. Such written notification shall clearly state the city engineer’s approval, denial, or approval with conditions. Any incomplete request will be returned to the developer and shall include a list of items which would be needed to complete the request. If no written response is made by the city engineer or planning director within the thirty (30) day period after receipt of a complete request for approval, the plans and specifications for the project shall be considered approved. No such approval shall absolve the developer from the other requirements of these street specifications.

(c) Written approval from the city engineer for a street work project on an existing street shall constitute acceptance of the plans and specifications as meeting the technical requirements of these specifications and related regulations and ordinances. Construction of the project can begin only after the developer has submitted to the city a performance and payment bond and a maintenance bond, each in the amount of one hundred percent (100%) of the estimated cost of the project. The performance and payment bond shall guarantee the
completion of the construction work as proposed and that all costs of the project are paid. The maintenance bond shall guarantee, for one year after acceptance of the completed construction by the city engineer, the repair or replacement of all or any portion of the project which may prove inferior due to materials or workmanship.

(d) After receiving the required bonds, the city engineer shall issue, within ten (10) calendar days, a permit to the developer to construct the proposed street work.

(e) The city engineer’s approval of plans and specifications for new streets or street extensions shall be submitted to the planning commission for further consideration. The planning commission shall have sole authority and responsibility for final approval for new streets and street extension projects.

(f) If the proposed project is located within the extraterritorial area, the city engineer’s approval, rejection, or approval with conditions shall be submitted to the county judge.

15-10-4. Requirements to extend streets in new developments.

(a) All new developments of any kind shall be required to provide, at the expense of the developer, streets within the development in accordance with planning and zoning regulations and these street specifications and in accordance with other regulations of the city governing the extension of streets. Such street work shall include all street work including earthwork, drainage, base, pavement, curbs, gutters, sidewalks, trails, utilities and erosion control.

(b) Streets adjacent to and leading to such development may also be required to be constructed or otherwise upgraded, at the expense of the developer, to meet the intent of these specifications.

(c) Streets within developments shall be extended to the edge of the property boundaries where required either to conform to the master street plan, the comprehensive plan, or to provide for the general circulation of traffic within the neighborhood. Such extensions to property boundaries shall be fully constructed complete with pavement, curbs, gutters, sidewalks, where required, drainage facilities, and permanent erosion control. A temporary cul-de-sac or other means of turn around may be required on such streets and, depending on timing of any extension, a permanent cul-de-sac may be required.

(d) The developer shall dedicate or otherwise transfer title for all required street rights-of-way to the public at no expense to the city.

15-10-5. City participation in street extension cost.

(a) The city may participate in the construction of streets within the city limits either adjacent to a development or on a street leading to a development if the need for such improvement is not totally caused by the development in question. The appropriateness of any
such cost sharing between the developer and the city shall be determined by the planning commission on recommendation of the city engineer. The city engineer shall base his recommendation on the prorata share of the need for the work as a result of the development versus the need for the work as a result of other factors.

(b) In no case shall the city participate in the cost of local or minor collector streets.

(c) Where streets classified as major collector or higher are required to be constructed as a part of a development, the developer shall be financially responsible for his share of the cost of the higher classified street. The developer’s share shall be that cost which bears a rational nexus to the needs created by the development. In no case shall the developer be responsible for less than the cost of a standard local street. In all cases, regardless of cost share, the developer shall be responsible for the granting of all street rights-of-way required for the higher classified street.

(d) A formal traffic study may be required in connection with a development if, in the opinion of the city engineer and/or planning director, it is needed to properly determine future street loadings and/or to determine cost shares between the city and the developer.

(e) City participation in any cost sharing project shall be dependent upon the availability of funds and inclusion in the city’s annual budget or otherwise approved by the board of directors.


(a) Street rights-of-way in connection with required street extensions and improvements shall be granted to the public by the developer either by virtue of an approved and recorded final plat or by easement or warranty deed filed at the appropriate county office for such recordings. Such rights-of-way shall be controlled by the city and shall be utilized by the city for the purposes allowed by city and state law, including, but not limited to, the construction and maintenance of streets, utility lines, drainage facilities, and related appurtenances, and by private utility and television cable companies for the placement and maintenance of their lines.

(b) Additional rights-of-way may be required in certain instances where no street construction or improvements are proposed either for the eventual extension or improvements of the street or to bring the existing right-of-way into conformance with the master street plan and the comprehensive plan.

(c) Rights-of-way and pavement width shall be as required in these specifications. It shall be understood that the widths required in these specifications are minimum widths. Additional rights-of-way may be required where the need for wider rights-of-way is dictated by the topography or other features of the property.
15-10-7. Signs and ornamental structures.

(a) Subdivision signs proposed for installation by the developer for the benefit of a development shall be shown on the plans and be sized and located to meet the provisions of the city’s sign ordinance.

(b) The location and size of all signs and ornamental structures constructed by the developer shall be approved by the city engineer. In addition, the need to conform to signage and zoning regulations shall be determined by the planning director.

(c) All structures over 30 inches high shall meet applicable setback requirements.

(d) Where subdivision signs and ornamental structures are proposed to be located on public right-of-way, an acceptable means for perpetual maintenance of such facilities shall be included in the covenants of the subdivision.

(e) Any relocation of such signs and structures necessitated by street widening, utility installation, or other authorized use of the right-of-way, shall be the financial responsibility of the entity established to provide maintenance of the sign or ornamental structure.

(f) Permanent street name signs on public streets within the city limits shall be placed and maintained at intersections by the city at the city's expense. Streets name signs outside the city limits but within the planning jurisdiction shall be placed as directed by the county judge. Street name signs on private streets shall be placed and maintained at intersections by the developer at the developer’s expense. All street name signs shall meet standards and specifications of the city or county for such signs.


(a) The letter of request shall be addressed to the planning director as required herein. It shall clearly state the purpose of the request, the conditions that created the need for the improvements, and the probable impact of the proposed project on the neighborhood. The letter shall include the name of the developer, the developer’s address and the name, address, and telephone number of the developer’s representative who will represent the developer in regard to the project.

(b) The plans shall be submitted on 24" by 36" or smaller drawing sheets. All sheets in any one street work project shall be of the same size, and shall be on one of the standard size sheets, i.e., "A" (8.5" x 11"), "B" (11" x 17"), "C" (18" x 24"), or "D" (24" x 36"). Plan drawings shall have a scale of one inch equals one hundred feet (1" = 100') or larger. Construction details shall have a scale of one quarter inch equals one foot (1/4" =1') or larger. All plans and specifications for any project with a probable construction cost of $25,000 or more shall have been prepared and bear the seal of a professional engineer registered to practice in the State of Arkansas. The city engineer may, when conditions warrant, require that the developer retain a professional engineer to prepare the plans and specifications for a project of smaller size. When required by the city engineer, an engineer’s
The engineer’s report shall include the design calculations, soils investigations, and other information used to design the proposed street work. The plans and specifications shall include the following:

(1) Layout plans of the proposed project at a scale of 1"=100' or larger. The layout plans shall include the following:
   a. Layout of all elements of the entire street work project.
   b. Horizontal bearings and distances of tangents.
   c. Horizontal curve data with P.T., P.I., P.C., radius, internal angle, length of curve, and chord bearings and lengths.
   d. Existing and proposed drainage and utilities within the right-of-way within twenty feet of the right-of-way and any nearby features or structures which have or may have an impact on the street’s intended function.
   e. Width of right-of-way at all points of street segments.
   f. Existing structures within the setback area as set by the zoning regulations.
   g. Ties to the state plane coordinate system.
   h. Proposed super-elevation segments and transition segments.
   i. Locations of any soils exploration points.
   j. Existing and proposed sidewalks or structures.
   k. A legend showing typical symbols used in the plans.
   l. North arrow.

(2) Profiles of all proposed new streets, street extensions, and any existing street segment on which it is proposed to change the profile, at a horizontal scale of 1" = 100' or larger and a vertical scale of 1"=10' or larger. The profiles shall include the following:
   a. Existing ground elevations.
   b. Proposed finished center line elevations.
   c. Proposed vertical curve data; P.C., P.I., and P.T., including stations and segment lengths.
   d. Proposed grades in percent rise (+) or fall (-) for each segment and stations at points of change in grade.
   e. Proposed drainage and utility line crossings, including size, material, and location.
   f. Existing drainage and utility line crossings including size, material, and location.

(3) Profiles for extensions to existing streets shall include a profile of at least 400 linear feet of the existing street which is proposed to be extended. The 400 feet shall begin at the point of beginning of the extension. The city engineer may require an additional length of profile on the existing street if such information is required to determine adequate sight distance.

(4) Where a proposed street connects with another street, the profile shall be extended to include the cross-section of the other street.
(5) All elevation data shown on the profiles shall be based on the United States Coast and Geodetic Survey and shall be relative to mean sea level.

(c) Typical cross-sections of each street segment of all proposed new streets, street extensions and any existing streets in which it is proposed to change the existing cross-section. The typical cross-sections shall include the following existing and proposed features:

(1) Pavement type, width and thickness.
(2) Base type, and thickness.
(3) Cross slope and crown.
(4) Curbs and gutters.
(5) Right-of-way width.
(6) Sidewalks or trails.
(7) Landscaping.
(8) Typical location and depth of utility lines.
(9) Drainage channels and pipe.
(10) Erosion control structures.

(d) Specific construction cross-sections may be required if it is determined necessary by the city engineer that slopes may affect the needed right-of-way width or access to the street by adjacent properties. Such specific cross-sections may be required at intervals of 100 feet or 50 feet as determined by the city engineer.

(e) Miscellaneous details showing, as a minimum, the following items with all dimensions:

(1) Proposed curb and gutter cross-sections.
(2) Proposed curb inlets.
(3) Proposed catch basins.
(4) Proposed head walls.
(5) Proposed conduits.
(6) Proposed trench details for drainage and utility lines.
(7) Proposed valley gutters plan and cross-sections.
(8) Any special structures.

(f) Technical specifications shall be placed on the drawings or presented on bound and typed 8.5" x 11" bond paper and shall include the following:

(1) Materials requirements.

(2) Methods of construction.

(3) Quality control requirements.

(4) Sampling and testing procedures.

(g) The existing owners of properties within and adjacent to the project boundaries shall be included on the layout plan or on a separate drawing which can be related directly to the layout plan.

(h) Plans, specifications, and all data submitted in conjunction with the plans and specifications shall constitute a complete design. Any item not specifically included in these documents shall not be considered reviewed nor approved by the city engineer’s approval based on these documents.

(i) The standard specifications for highway construction as promulgated by the AHTD, latest edition, and the standard drawings of the AHTD shall be the basis for the preparation of the detailed plans and specifications and shall apply in all cases except where these street specifications are in direct conflict with said state standards.


(a) The developer shall be responsible for installation of the proposed street work including all design and construction, and for all costs associated therewith except in situations where cost sharing may be appropriate and is approved by the city.

(b) All formal agreements entered into by the city will be with the developer regardless of the developer’s form of organization.

(c) The developer shall provide, at developer’s expense, all engineering services required for planning, design, investigation, inspection, testing, and related activities necessary for street work, and shall be responsible for street work in accordance with the design approved by the city as satisfying the requirements of these specifications.

(d) When the proposed work is on existing streets, within the city limits, the developer shall provide a performance and payment bond and a maintenance bond with the city. Each bond shall be in the amount of at least one hundred percent (100%) of the estimated construction cost. The bonds shall be provided in one of the following forms:

(1) A bond or bonds issued by a bonding company licensed to do business in the state of Arkansas. The bond shall be in the form approved by the city attorney. A certificate of the power of attorney for the individual executing such bond or bonds shall also be submitted.
(2) Assignment of a bond or bonds from a licensed contractor to the developer for the construction of the project in the amounts of and in the form specified above. Such bond or bonds shall be assigned to the city by the developer.

(3) A cash deposit or cashier’s check, in the full amount, made to the City of Hot Springs.

(4) An irrevocable letter of credit in the full amount. If a letter of credit is utilized, the letter shall be from a bank insured under the Federal Depositors Insurance Corporation, and the city shall have the right of approval for the terms of such letter of credit.

(5) Where street work may occur frequently by a utility company or a construction company participating in a construction of a project which requires street work at multiple locations, the developer may post the required bonds as permanent bonds to include all the projects as continuous work. The work in progress at any one time shall not exceed the aggregate sum of the bonds in place. The acceptance of permanent bonds by the city shall not relieve the developer from the requirements to request approval for each site and meet all the remaining requirements of these specifications.

(6) An escrow account established with a bank which is insured by the Federal Depositor’s Insurance Corporation. Such escrow account shall be set up for the specific purpose of guaranteeing the performance and payment and/or maintenance of the project, and shall be in the amount of one hundred percent of the estimated project cost.

(7) The developer may provide a certificate of deposit, treasury bond or other negotiable government security. The instrument will be returned to the developer once improvements are completed and accepted by the city.

(8) The performance and payment bond shall remain in effect throughout the construction period and shall not be canceled or otherwise diminished prior to the final acceptance of the project by the city.

(9) The maintenance bond shall not be canceled or otherwise diminished throughout the full maintenance period.

(10) Where letters of credit or escrow accounts are used for bonds, the total amount shall not be drawn down or diminished in any way during the construction or maintenance period as applicable.

(e) Where work is on street extensions or new streets, the developer may provide a performance and payment bond as specified above or he may construct the facilities after approval of the request for approval documents, complete the construction of the facilities, and then request final approval and acceptance of the street work upon completion of construction. In either case, the one year maintenance bond shall be provided by the developer to the city before final acceptance by the city can be granted.
(f) The developer shall provide to the city a set of reproducible record drawings after construction is complete, but prior to final acceptance by the city of the street work project. Such as-built drawings shall be submitted at the same scales and with the same requirements as required in the original submitted plans, and shall show the various elements as they were constructed.

(g) The developer shall afford city personnel the right of access to the site during the plan review and construction phases of the project. The developer shall schedule all activities to provide the city with adequate notice and review time.

(h) The developer shall be responsible for the preparation and submission of all documents required in these street specifications, including submission documents, bonds, and as-built drawings.

(i) The developer shall obtain and submit to the city the approval of the county judge for any street work project located within the extraterritorial area.

(j) The developer shall notify the city of any and all significant changes in the design or construction of the project. Significant changes in the plans and specifications shall be submitted to the city for approval. The city engineer shall be notified immediately of any and all significant field changes in order that a timely approval may be issued.

(k) The developer shall notify the city of the date construction is to commence at least five days prior to such date.

(l) The developer shall notify the city when construction is complete and arrange for a pre-final inspection. He shall also notify the city when any punch list items are complete and arrange for any necessary final inspection.

(m) In the case of an emergency, the developer shall proceed to construct the needed repairs to alleviate the emergency condition and shall notify the city engineer of such emergency as soon as practical, and not later than the end of the first work day after such emergency is discovered. For the purpose of these specifications, an emergency condition may be considered to exist when: (1) utility users are or may be out of service due to line conditions within a street right-of-way, (2) an existing condition presents a hazard to the health or safety of the public, and (3) existing conditions, if left immediately uncorrected, would result in additional future expenditures of funds in the amount of $2,000 or more.

(n) In the case emergency street work, such repair or construction shall meet all requirements of these street specification except requirements for plans and specification approval and construction permit requirements.

(o) The developer shall be responsible for acquiring all permits necessary for construction of the street work project, including, but not limited to, permits for work on state highway rights-of-way, railroad rights-of-way, wetlands permits, and storm water permits.
15-10-10. Engineering services.

(a) All engineering services, for a street work project having a probable construction cost of $25,000 or more, including, but not limited to, planning, design, investigations, inspections and testing shall be under the supervision of a professional engineer registered in the State of Arkansas.

(b) The city engineer may require that a professional engineer prepare the plans and specifications for a project of lesser size, if conditions warrant.

(c) The design data, plans specifications, and related information shall bear the name of and the seal of the project engineer. The registration seal and signature of the project engineer shall be placed on each sheet of the plans, and on each additional document submitted for approval.

(d) Soils investigations, materials testing, and quality control testing shall be performed by a laboratory approved by the city engineer. All reports submitted to the city shall bear the name of the project engineer.

(e) A detailed traffic study may be required in connection with a development if, in the opinion of the city engineer or planning director, it is necessary to properly determine future street loadings and/or to determine cost shares between the city and the developer.


Where estimates of construction costs are required to form the basis for bonding amounts or required for any other reason in these specifications, the developer shall have such estimates prepared and submitted to the city engineer. The city engineer shall review such estimates and approve or reject such estimates. If a disagreement as to the estimated cost should occur, the developer may present his justifications to the city engineer for consideration. The city engineer’s decision regarding such estimates, after thorough consideration, shall be final.


(a) After receiving an incomplete request for approval, the city planning department, with consultation of the city engineer, shall notify the developer giving notice of the incomplete request and listing the reasons for such incomplete determination.

(b) After receiving a complete request for approval, the city engineer shall conduct a thorough review of the submitted documents and the conditions in the proposed project area, and render a decision as to whether or not the proposed project meets the minimum requirements of these specifications.

(c) The city engineer may reject the plans and specifications for failure to meet the minimum specifications, approve the project as meeting the requirements, or approve the project with conditions. Such approval with conditions shall clearly state the changes necessary to bring the project into compliance.
(d) Approval with conditions shall constitute an approval of plans and specifications only if the developer incorporates the stated changes in the construction of the project.

(e) After the city engineer has received the required performance and maintenance bonds, the city engineer shall examine the bonds and, if he finds them in order, issue to the developer, within ten (10) business days, a permit to construct the street work project.

(f) Approval of the plans and specifications of a permit to construct shall remain in effect for a period of one (1) year from the date of approval. After that time, a new request for approval and all required submitted documents may be submitted for a new approval. Such documents shall be reviewed in accordance with the ordinances and regulations in effect at the time of the new submission.

(g) The city shall observe at various stages of the construction. The city reserves the right to observe the construction at all times.

(h) When the developer notifies the city that the construction is complete, and after the developer has submitted the required maintenance bonds, the city engineer shall conduct a pre-final inspection of the constructed project. The city engineer may accept the project, in writing, as conforming to the approved plans and specifications, or prepare a punch list of incomplete and unacceptable items.

(i) After the developer has corrected the items on the punch list, he shall notify the city engineer.

(j) The city engineer shall conduct a final inspection of the project and, if he determines that the construction conforms with the approved plans and specifications, he shall issue in writing a final acceptance of the project. If, upon inspection, the city engineer finds that the project still does not meet the requirements, a second punch list shall be prepared and submitted. This process shall continue until the constructed project conforms to the approved plans and specifications and all approved changes thereto.

(k) Where the street work project is on an existing street, the final acceptance of the city engineer shall be binding upon the city and no further approvals shall be required.

(l) Upon notification of emergency repairs or construction, the city engineer shall, as soon as practical, inspect such emergency street work. Emergency street work shall meet the minimum requirements of these specifications and require the same procedure for final acceptance as required for any other street work project.


(a) Where the street work project includes a street extension or new street, the city engineer’s final acceptance shall be submitted to the city board. Acceptance by the city board by ordinance shall be required before any street extension or new street is accepted into the city’s public street system for perpetual maintenance by the city.
(b) Where the street work project includes street extensions or new streets within the extraterritorial area, acceptance shall be in accordance with the Garland County’s street acceptance policy and procedures. The county’s formal acceptance shall be required before any street extension or new street can become part of the county’s road system.

ARTICLE III. CLASSIFIED STREET SEGMENTS AND BASIC DESIGN CRITERIA


The street segments shown in the following street classification table shall have the classification and basic design criteria shown. All proposed street names or numbers refer to the name or number shown on Exhibit No. T-3 of the City of Hot Springs Comprehensive Plan. Where the word “boundary” is used in the description of a street segment, it shall refer to the boundary of the extraterritorial limits of the planning commission.

<table>
<thead>
<tr>
<th>STREET CLASSIFICATION TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGHWAYS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Segment</th>
<th>No. of Traffic Lanes</th>
<th>Pavement Width (ft.)</th>
<th>No. of Parking Lanes</th>
<th>Curb &amp; Gutter</th>
<th>Right-of-Way Width (ft)</th>
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<tbody>
<tr>
<td>Hwy 7 (North boundary to Whittington)</td>
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<td>60</td>
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</tr>
<tr>
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<td>Hwy 270 (West Boundary to Martin Luther King)</td>
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<td>80</td>
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<td>Hwy 270B (Martin Luther King to Airport Rd.)</td>
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<td>Hwy 70 (Boundary to Albert Pike)</td>
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<td>Hwy 70/270 (Airport Road to Summer)</td>
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### STREET SPECIFICATIONS

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### STREET CLASSIFICATION TABLE

#### ARTERIALS

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<th>No. of Parking Lanes</th>
<th>Curb &amp; Gutter</th>
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## HOT SPRINGS CODE

### STREET SPECIFICATIONS

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<th>Street Segment</th>
<th>No. of Traffic Lanes</th>
<th>Pavement Width (ft)</th>
<th>No. of Parking Lanes</th>
<th>Curb &amp; Gutter</th>
<th>Right-of-Way Width (ft)</th>
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<tr>
<td>Woodlawn St. (Richard to Hwy 7)</td>
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<td>Bayshore Dr. (Hwy 128 to Peninsula Dr.)</td>
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<td>Green Bay Dr. (Couchwood to Fairchild Pt.)</td>
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<td>Red Oak Cutoff (Hwy 290 to Hwy 290)</td>
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<td>Arkridge Rd. (Hwy 128 to Long Point Rd)</td>
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**STREET SPECIFICATIONS**

<table>
<thead>
<tr>
<th>Street Segment</th>
<th>No. of Traffic Lanes</th>
<th>Pavement Width (ft.)</th>
<th>No. of Parking Lanes</th>
<th>Curb &amp; Gutter</th>
<th>Right-of-Way Width (ft)</th>
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<tr>
<td>Mt. Carmel Rd. (Hwy 290 to Hwy 290)</td>
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</tbody>
</table>

* "T" indicates an additional continuous center turn lane.

**“D” indicates a divided street with a protected island space of at least eight feet between opposing traffic lanes.**

**15-10-14.2. Shoulders.**

Where street segments are shown without curbs and gutters, a minimum of four foot shoulders shall be required on each side of the paved traffic lanes. Such shoulders shall not be considered part of the required pavement width.

**15-10-14.3. Frontage roads.**

All frontage roads, not otherwise classified, shall be major collectors.

**ARTICLE IV. GEOMETRIC DESIGN CRITERIA**

**STREET SPECIFICATIONS**

**15-10-15. General.**

(a) The minimum standards for the geometric design of the various classes of streets shall be as presented hereinafter in this Article.

(b) These geometric standards are established to and shall be interpreted to provide for the best practical traffic movement and safety.

(c) Design factors shall include consideration of design speed, sight distance, type of vehicles expected, travel time, convenience and traffic congestion.

**15-10-16. Street alignment.**

**15-10-16.1. Horizontal curves.**

Horizontal curves for each class and design speed of any street segment shall have centerline radii equal to or greater than that shown in the minimum horizontal curve table. Where a street segment may be rated in two or more categories, the more restrictive specification shall govern.
### MINIMUM HORIZONTAL CURVE RADII

<table>
<thead>
<tr>
<th>Street Class</th>
<th>Rated Speed (MPH)</th>
<th>Radius (Feet)</th>
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<td>Arterial 30</td>
<td>30</td>
<td>500</td>
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<tr>
<td>Arterial 35</td>
<td>35</td>
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<td>200</td>
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<tr>
<td>Local 25</td>
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<tr>
<td>Industrial 30</td>
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<td>Residential 25</td>
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<tr>
<td>Alley 10</td>
<td>10</td>
<td>150</td>
</tr>
</tbody>
</table>

*May be reduced to 75 feet within 200 feet of an intersection, if required to effect a ninety degree (90°) intersection with another street.

15-10-16.2. **Reverse curves.**

A tangent distance of at least 100 feet shall separate reverse curves.

15-10-16.3. **Compound and spiral curves.**

Compound and spiral curves will be allowed, if the maximum radii meets the minimum requirements and if the city engineer determines that the intent of these specifications can be met with the said compound or spiral curve.
15-10-17. Vertical curves.

(a) All vertical curves shall be symmetrical parabolic type curves. Vertical curves shall be designed at all changes in vertical alignment in which the grade change exceeds one percent on arterial or major collectors, two percent on minor collectors, or three percent on local streets.

(b) The minimum length of vertical curves shall depend on the design speed and shall be equal to “K” times “A,” where “K” equals the coefficient shown in the vertical curve coefficient table, and “A” equals the algebraic different in grades when the grades are expressed as a percentage.

<table>
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<th>VERTICAL CURVE COEFFICIENT</th>
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</tr>
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</tr>
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<td>50</td>
</tr>
<tr>
<td>55</td>
</tr>
<tr>
<td>60</td>
</tr>
</tbody>
</table>


(a) Irrespective of the minimum curve data for horizontal and vertical curves, the design of any street segment shall provide for the minimum sight distance required under this section.

(b) The design shall take into account the passing sight distance and the stopping sight distance.

(c) The stopping sight distance shall be calculated using an observer’s eye level of 4.5 feet above the street surface and an object level of six inches above the street surface.

(d) The passing sight distance shall be calculated using an observer’s eye level of 4.5 feet above the street surface and an object height of 4.5 feet above the street surface.

(e) The minimum sight distance for the various classes and rated speeds of street segments shall be as given in the minimum sight distance table.
STREET SPECIFICATIONS

MINIMUM SIGHT DISTANCE

<table>
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<th>Street Class</th>
<th>Design Speed (MPH)</th>
<th>Stopping Distance (ft.)</th>
<th>Passing Distance (ft.)</th>
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<td>30</td>
<td>200</td>
<td>800</td>
</tr>
<tr>
<td>Arterial</td>
<td>35</td>
<td>250</td>
<td>1000</td>
</tr>
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<td>275</td>
<td>1300</td>
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<td>1900</td>
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<td>Arterial</td>
<td>60</td>
<td>476</td>
<td>2000</td>
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<td>200</td>
<td>800</td>
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<td>300</td>
<td>1500</td>
</tr>
<tr>
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<td>200</td>
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<tr>
<td>Local</td>
<td>30</td>
<td>200</td>
<td>N/A</td>
</tr>
<tr>
<td>Alley</td>
<td>10</td>
<td>50</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(f) The passing sight distance shall govern, except in locations specifically approved by the city engineer as a no passing zone. In no case may the sight distance be reduced below the stopping sight distance shown in minimum sight distance table above.


(a) Intersections shall be designed to provide a safe system, for present and prospective traffic, to cross and/or enter and exit from one street to another.

(b) Intersections of crossing streets shall be aligned, in so far as practical, without centerline offsets (jog).

(c) The geometric design of intersections shall comply with the minimum criteria shown in the intersection design criteria table.
### INTERSECTION DESIGN CRITERIA

<table>
<thead>
<tr>
<th>Design Parameter</th>
<th>Street Class</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Grade within 100 Feet</td>
<td>All</td>
<td>6%</td>
</tr>
<tr>
<td>Minimum Angle (Degrees)</td>
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<td>85</td>
</tr>
<tr>
<td>Minimum Curb Radius*</td>
<td>Arterial</td>
<td>30'</td>
</tr>
<tr>
<td>Minimum Curb Radius*</td>
<td>Major Collector</td>
<td>30'</td>
</tr>
<tr>
<td>Minimum Curb Radius*</td>
<td>Minor Collector</td>
<td>25'</td>
</tr>
<tr>
<td>Minimum Curb Radius*</td>
<td>Local</td>
<td>25'</td>
</tr>
<tr>
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<td>Minimum Curb Radius*</td>
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<td>Residential</td>
<td>25'</td>
</tr>
<tr>
<td>Minimum Curb Radius*</td>
<td>Alley</td>
<td>25'</td>
</tr>
<tr>
<td>Minimum Jog</td>
<td>Arterial</td>
<td>500'</td>
</tr>
<tr>
<td>Minimum Jog</td>
<td>Major Collector</td>
<td>300'</td>
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<tr>
<td>Minimum Jog</td>
<td>Minor Collector</td>
<td>200'</td>
</tr>
<tr>
<td>Minimum Jog</td>
<td>Local</td>
<td>200'</td>
</tr>
</tbody>
</table>

*Where curbs are utilized, the radius shown shall apply to the back of the curb. Where curbs are not utilized, two feet shall be added to the radius shown and shall apply to the edge of pavement.*

(d) Intersections shall be designed to provide for a minimum sight distance from each leg of the intersection to points on the cross street on either side of the intersection. Such sight distance shall be in accordance with that given in Section 15-10-18, based on the stopping sight distance for the class of the cross street being entered.

(e) Grade crossings at railroads shall be designed to provide for a minimum sight distance of 800 feet along the railroad on either side of the crossing.

(f) Approaches to railroad crossings shall be designed to provide a minimum of 200 percent of the stopping sight distance given in the minimum sight distance table for the class of street. The minimum distance shall be measured from the nearest rail along the approach street.

(a) The minimum street grade shall be the grade required to provide adequate drainage for the street. The minimum centerline grade for street segments with curbs and gutters shall be 0.50 percent.

(b) The maximum centerline grades for the various classes of street shall be as shown in the maximum street grade table.

(c) Where steep natural topography may affect access to and from adjoining properties, the maximum grades may be increased by fifty percent (50%) in street segments of 300 feet or less with specific approval of the city engineer.


(a) Street cross-sections shall conform to the details included in Appendix A to these street specifications which is attached hereto. Skewed street cross sections will not be allowed without specific approval of the city engineer.

Editor's note—Appendix A to the Hot Springs Street Specifications Ordinance is on file in the Office of the City Clerk.

(b) Pavement cross slopes for all streets shall be a minimum of two (2) percent with a crown height of a minimum of six (6) inches.

(c) Gutters shall be sloped to match the street slope.

(d) Cross-sections on arterial and major collector streets shall be super-elevated in accordance with AHTD standards.
(e) The required width of a traffic lane shall be twelve feet (12') for all classes of streets, excluding curb and gutter, if any. The lane width may be reduced to ten feet (10') in areas where severe restrictions to construction are present upon approval by the city engineer. In considering any plans proposing to utilize a lane width of less than twelve feet (12'), only clear, obvious and practically in-correctable conditions should be considered. In no case shall the lane width be less than ten feet (10').

(f) The minimum width of a parking lane shall be nine feet (9').

(g) Each curb and gutter section shall have a minimum width of twenty-four inches (24").

(h) The minimum radius to edge of pavement in a cul-de-sac shall be twenty-eight feet (28') on residential streets, forty feet (40') on commercial streets, and fifty feet (50') on industrial streets.

(i) The minimum pavement width for an alley shall be fifteen feet (15').

(j) The minimum width of sidewalks shall be four feet (4') on local, residential and minor collector streets and five feet (5') on commercial and industrial streets.

(k) Curbs and gutters on streets with concrete surface shall be placed independently or integral with the street pavement. In such case, the outer twenty-four inches (24") of the section shall be considered the curb and gutter and shall not be considered as part of the minimum required pavement width.

(l) Cul-de-sac streets shall be no greater than 800 feet in length.

**15-10-22. Street right-of-way.**

(a) The minimum street right-of-way width for the various street classes are given in the minimum right-of-way table.

<table>
<thead>
<tr>
<th>STREET CLASS</th>
<th>RIGHT-OF-WAY WIDTH</th>
<th>CUL-DE-SAC RADIUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>70</td>
<td>N/A</td>
</tr>
<tr>
<td>Major Collector</td>
<td>60</td>
<td>N/A</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>60</td>
<td>N/A</td>
</tr>
<tr>
<td>Local with Curbs &amp; Gutters</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Local without Curbs &amp; Gutters</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Industrial</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Commercial</td>
<td>50</td>
<td>50</td>
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<td>Residential</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>Alley</td>
<td>20</td>
<td>N/A</td>
</tr>
</tbody>
</table>
(b) Wider right-of-way widths may be required as shown in the street classification table in Article II of these street specifications or due to any of the following:

(1) When necessary, cut or fill slopes may require additional right-of-way.

(2) Where existing or projected future traffic conditions may require three or more lanes including traffic lanes, parking lanes, turn lanes, or access lanes.

15-10-23. Utilities and drainage.

(a) Utility and drainage lines crossing streets shall be installed at a 90 degree angle with the street centerline, unless specifically approved otherwise by the city engineer.

(b) Utility and drainage lines running parallel with the street centerline should be placed on a dedicated utility easement outside the street right-of-way where practical, or, if necessary, between the right-of-way line and the back of curb. Location of parallel utility lines under paved sections shall not be allowed without specific approval of the City Engineer.

(c) Encasements for utility lines shall be continuous under the paved section and shall extend to a point at least three feet (3’) outside the back of curb. Where curbs do not exist or are not proposed, it shall be assumed that curbs may be installed in the future. In this case, the encasement pipe shall be extended to a point at least five feet (5’) outside the edge of pavement.

(d) The city engineer may require further extensions of encasement pipe if widening of the street may be expected within the following ten year period.

(e) All utility lines shall be installed with a minimum of two feet (2’) of cover between the top of the line and the finished surface of the street. When encasement pipe is utilized, the minimum depth shall be measured between the top of the easement pipe and the finished surface of the street.

(f) All drainage lines shall be installed with a minimum of eighteen inches (18”) between the top of the line and the finished surface of the street.

(g) Additional depths may be required by national codes, state or federal regulations, or utility owners requirements. All such codes, laws, regulations, and requirements shall be met.


(a) Concrete curbs and gutters shall be installed on all new streets and street extensions within the city limits with the exception of areas zoned R-1.

(b) Minor collector streets shall have a minimum four feet (4’) wide sidewalk continuous on one side of the street.

(c) Major collector and arterial streets shall have minimum four feet (4’) wide sidewalks on each side of the street.
(d) Commercial streets shall have minimum five feet (5') wide sidewalks on each side of the street.

(e) All streets within 500 feet of a church, school or any assembly building with a capacity of 100 or more people shall have a minimum of five feet (5') wide sidewalks on both sides of the streets.

(f) Curbs and gutters shall be designed and constructed with the dimensions and cross-sections given in Appendix A.

Editor's note—Appendix A of the Hot Springs Street Specifications Ordinance is on file in the Office of the City Clerk.

(g) Wheelchair ramps shall be constructed at all crosswalks. Ramps shall be designed to provide a maximum grade of eight per cent (8%) for transition from one elevation level to another. Minimum width shall be three feet (3'). All provisions of the Americans With Disabilities Act (ADA) shall be complied with.

ARTICLE V. STRUCTURAL SPECIFICATIONS


(a) Clearing, grubbing, removal of existing structures, and earthwork shall be in accordance with the AHTD standards.

(b) The finished sub-grade shall be approved by the city engineer prior to commencing placement of base course.

(c) Fill sections shall be compacted to 90% of the maximum density as determined by the modified proctor test.

(d) The city engineer may, if questions arise regarding the suitability of the sub-grade soils, require the developer to retain a geotechnical firm to test sub-grade material to determine its adequacy to support the street surface and anticipated traffic loads. Such geotechnical firm shall be paid by the developer and shall submit copies of its reports and test results to the city engineer.

(e) The investigation and testing of soils shall conform to the latest revision of AASHTO T86. The sampling of in-situ sub-grade soils may be accomplished by boring or excavation of test pits. The depth of sub-grade sampling and testing shall be a minimum of four feet (4') below the top of the final compacted sub-grade. Additional depths may be required by the city engineer.

(f) Sub-grade soils shall be classified in accordance with the AASHTO system and the unified soil classification system.

(g) Load bearing strength of soils shall be determined by the California Bearing Ratio (CBR) test in accordance with AASHTO T 193.
(h) The minimum finished slopes on earthwork within street right-of-way shall be one vertical to three horizontal in areas where access to adjoining property is not a factor, such as creek beds, and one vertical to four horizontal where access to adjoining property is desirable.


(a) The base course for a street shall be either an aggregate base course or a bituminous base course.

(b) Materials for aggregate base courses shall meet the requirements of AHTD specifications Class 7 or an approved equal.

(c) Materials for bituminous base course shall meet or exceed the AHTD standards for asphalt concrete hot mix stabilized base course.

(d) Installation of base courses shall meet or exceed the requirements of the AHTD standards.


(a) Street pavement sections shall be either flexible type with asphalt concrete surface or rigid type consisting of a Portland cement concrete surface.

(b) Pavement sections shall be designed in accordance with the procedures and criteria of the AASHTO Guide For Design of Pavement Structures, latest edition, and the criteria contained herein. Should any conflicts exist, the method resulting in the deeper, stronger pavement section shall govern.

(c) All pavement sections shall be designed using a design period of 20 years, an initial serviceability index factor of 4.5, and a terminal serviceability index factor of at least 2.5.

(d) The minimum street pavement sections are given in the minimum pavement and base table.
### MINIMUM DEPTH PAVEMENT AND BASE

<table>
<thead>
<tr>
<th>Street Class</th>
<th>Flexible Pavement</th>
<th>Rigid Pavement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base Course (in)</td>
<td>Asphalt Surface (in)</td>
</tr>
<tr>
<td>Arterial</td>
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<td>4</td>
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<td>Major Collector</td>
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<td>3</td>
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<td>2</td>
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<td>Local</td>
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<td>2</td>
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<tr>
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<td>Commercial</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Residential</td>
<td>6</td>
<td>2</td>
</tr>
</tbody>
</table>

(e) The pavement and base depths given in minimum depth pavement and base are minimums and are not to be used in lieu of pavement design depths. The depth calculated by the required procedure shall determine the specific depth of any specific street segment.

(f) All pavement materials, construction methods, standards, time and temperature constraints, seasonal constraints, and performance requirements shall be in accordance with the latest edition of the AHTD standard specifications for highway construction, and these street specifications.

(g) Sub-grade shall be all materials used for sub-grade including in-situ materials and fill materials. Sub-grades for pavement shall be stabilized by mechanical compaction or by other methods approved in writing by the city engineer. Stabilization methods such as fabrics and chemical stabilization may be submitted for approval when supported by engineering data and calculations to substantiate the adequacy of the stabilization procedure.

(h) The top twenty-four inches (24") of the sub-grade shall be a material not susceptible to frost action unless modified with cement, lime or another method approved specifically by the city engineer to resist frost action.

(i) The adequacy of in-situ soils and fill material as pavement sub-grade shall be evaluated based upon the soils classifications, liquid limits, plasticity index, and California bearing ratio (CBR).

(j) All soils with a liquid limit greater than 40, or a plasticity index greater than 15, or a CBR value of less than 8, shall be under cut and removed from the street section or improved by a designed method of stabilization accepted by the city engineer.

(k) Sub-grade compaction requirements shall be shown on the plans or in the specifications.
STREET SPECIFICATIONS

(i) The surface course for flexible pavement sections shall be Asphalt Concrete Hot Mix Type 2 or 3 as specified in the AHTD standard specifications. Other mix designs may be considered if design data is submitted to the city engineer at the time of plans submission.

(m) The requirements for sub surface drainage layers and/underdrains shall be evaluated by the design engineer on an individual project basis.

(n) Pipe underdrains or drainage layers shall be installed at all locations where subsurface moisture may affect the stability of the sub-grade or result in unsatisfactory pavement performance.


(a) Curbs and gutters shall be constructed in accordance with the details shown in Appendix A of these specifications.

Editor's note—Appendix A of the Hot Springs Street Specifications Ordinance is on file in the Office of the City Clerk.

(b) Curbs and gutters shall be constructed of concrete with a minimum 28 day compressive strength of 2,500 pounds per square inch.

(c) Sub-grade soils under curbs and gutters shall be stabilized in the same manner as those under the paved section.

(d) Vertical curbs shall be used in all commercial zones and at all points where the edge of the sidewalk or any other structure is located within five feet of the back of the curb or any building is located within fifteen feet of the back of the curb.

(e) Vertical or rolled curbs may be utilized in residential and industrial zones where the clearance limits given in paragraph (d) above can be maintained.

(f) Where rolled curbs are used, the street section shall be designed to develop future driveways to adjacent properties at any point on the street segment without curb cuts.

(g) Sidewalks shall have a minimum of four inches depth of Portland cement concrete. The concrete shall have a minimum 28-day compressive strength of 2,500 pounds per square inch.

(h) Sidewalks shall have construction, sawed or tooled transverse joints at intervals not exceeding ten feet.

(i) Drainage design shall be in accordance with the Hot Springs Drainage Specifications Ordinance.
ARTICLE VI. PAVEMENT CUTS AND UTILITIES WITHIN RIGHT-OF-WAY

15-10-29. General.

(a) Any excavation within the street right-of-way of any public street shall require a permit to construct and shall meet or exceed all requirements of these street specifications, including the requirements for request for approval, submission of plans and specifications and bonding. Excavation shall include but is not limited to pavement cuts, trenching, boring, and utility cuts.

(b) Any opening made in the street shall be no larger than is reasonably necessary to accomplish the purpose for which the cut was intended.

(c) The work in the open excavation shall be completed and the excavation backfilled and restored in the shortest practical time.

(d) In addition to these regulations, all pavement cuts shall be accomplished in accordance with any ordinance and regulation promulgated by the city relative to pavement cuts and excavations within existing streets.

(e) Whenever work is completed, the developer shall notify the city engineer or his designee that the work is ready for inspection and final surfacing. It will be the duty of the city engineer or his designee to inspect the work and approve it prior to the replacement of the final surface paving material and to inspect the final surface if installed by the developer (concrete streets).

(f) The developer shall maintain the street and street right-of-way in a clean and safe manner throughout the excavation and repair period.

15-10-30. Repairs.

(a) Restoration of cuts within the street right-of-way and not under any paved section or section to be paved shall be backfilled in accordance with the utility owner’s requirements. The backfill shall be maintained by the developer until final settlement has occurred.

(b) After final settlement has occurred, the area above excavations outside of paved sections shall be repaired with the same type and quality of materials as existed prior to the beginning of excavation.

(c) Repairs under paved areas shall be accomplished, in accordance with the details shown in Appendix A*, by backfilling the entire depth and width of the excavation with washed gravel or crushed stone which meets or exceeds the requirements for class three (3) Aggregate Base Course of the AHTD standards.

(1) The aggregate backfill shall be maintained by the developer until the repair pavement is placed. The replacement pavement shall be installed in the earliest reasonable time.
(2) The backfill under asphalt surface streets shall be capped with eight (8) inches of concrete by the developer allowing two (2) inches for the final asphalt surface.

*Appendix A is on file in the Office of the City Clerk.

(d) Resurfacing of concrete streets shall be accomplished by the developer with materials meeting the specifications of this ordinance (§15-10-27). Asphalt resurfacing (two inch minimum) shall be accomplished by the city and the appropriate fee charged to the developer. The final surface shall be of the same materials and depth as the existing pavement.

(e) If, in the opinion of the city engineer, cuts substantially reduce the anticipated life of a street surface, the developer may be required to resurface the entire block or some lesser portion thereof so that the entire surface shall be restored to substantially the same condition it was prior to the time said cuts were made. In making this determination, the city engineer or his designee shall take into consideration the age of the existing surface, the space between the cuts involved and the type of paving surface involved.

(f) When, in the opinion of the city engineer, the volume of paving cuts requested by the developer exceeds the city's ability to repair the same within a reasonable period of time, the city of Hot Springs may, at its option, submit the repair work to public bid and accept the bid of the lowest responsible bidder. The city of Hot Springs shall charge the responsible party the actual costs of the repair contract, plus appropriate permit and inspection fees.

Cross reference - Fee schedule for excavations, utility cuts, curb cuts and driveways, §15-1-7.

(g) Typical pavement cuts and backfill sections are given in Appendix A-4*.

*Appendix A-4 is on file in the Office of the City Clerk.

(Ord. No. 4851, § 1, 1-17-00)

(a) Traffic lanes shall be left open and maintained on streets while work is in progress. Blocking or barricading of streets and intersections will not be permitted without the approval of the city engineer, who shall in turn notify other departments of the city, including the fire and police departments. Persons excavating in streets will be required to provide facilities enabling the use of intersections by pedestrians and driveways by residents located on streets where work is in progress.

(b) As a protection to traffic and pedestrians, barricades or dirt excavated shall be maintained adjacent to the excavation. When work concerned is a public hazard, signs signifying the same shall be exhibited. Amber lights or flares shall be maintained on excavations from dusk to daybreak. Such equipment, shall be located at each end and along the entire length of the excavation. Unless lights can be observed from any direction, additional lights or flares shall be provided. Lights shall also be maintained on tool boxes, machinery or other equipment left on public streets or alleys.

ARTICLE VII. CURB CUTS AND DRIVEWAYS


(a) Curb cuts and driveway construction within street right-of-way shall first require a permit from the city. Request for approval, plans and specifications and other requirements of these street specifications shall apply to curb cuts and driveway construction.

(b) The submitted plan shall include:

  (1) existing street curbing, street right-of-way, other driveways, entrances and intersections of streets within one hundred (100) feet of the proposed construction;

  (2) the horizontal dimensions necessary to accurately locate and size existing pavement, curbs and gutters, sidewalks, rights-of-way and storm drains;

  (3) the elevations of the existing top of curb and gutter flow line at the centerline of the proposed drive and 50 feet either side of the proposed drive; and

  (4) the elevations necessary to indicate the grades of the proposed drive.

(c) Driveways shall have an intersection radius of the back of the curb of five feet for single family residential driveways, ten feet for multi-family residential, and fifteen feet for commercial and industrial driveways.

(d) Driveways shall be located such that no part of the driveway apron is closer than forty feet to a point in the nearest street intersection. Said intersection point shall be the point of intersection of the extended lines of the back of curbs of the two intersecting streets. In no case shall the intersecting driveway radius encroach upon the intersection radius of a street or another driveway.
(e) The minimum tangent length of curb between driveways on the same property shall be twenty feet.

(f) The maximum grade from the street gutter line to the street right-of-way line shall be twelve percent.

(g) The minimum width of a single family residential driveway shall be ten feet which shall not include the required five feet intersection radius, and the maximum width shall be twenty-four feet.

(h) The minimum width of a driveway for all properties other than single family residential shall be twelve feet and the maximum width shall be forty-eight feet.

(i) Driveways for single family properties may be surfaced with asphalt or concrete between the gutter line and the right-of-way.

(j) Driveways for all properties other than single family residential shall be surfaced with concrete between the gutter line and the right-of-way.

(k) Asphalt surface shall include a minimum of two inches deep surface course of hot mix asphalt concrete type 2 or 3 meeting the requirements of the AHTD standards. The asphalt surface shall be placed over a six-inch deep base course of Class 7 aggregate meeting the material and construction requirements of the AHTD standards.

(l) Concrete surface shall have a minimum of six inch deep Portland cement concrete reinforced with ten-gauge wire fabric at six inches on center or equivalent reinforcing.

(m) Concrete for driveways shall have a minimum 28-day compressive strength of 3000 pounds per square inch.

(n) Where curbs are proposed to be installed on driveways or where the grade of the driveway is at a different elevation than an adjacent sidewalk or crosswalk, handicap ramps shall be installed in accordance with the Americans With Disabilities Act (ADA).

(o) Upon request, the City may install driveway culverts in residential areas within the right-of-way of existing public streets, where the property to be accessed by the driveway is either a pre-existing residential unit or a vacant property for which there is no active building permit or other development planned. The property owner shall be responsible for the costs of the culvert material which shall be paid prior to installation. The City shall be responsible for costs associated with installation of the culvert. The culvert material and installation must conform to the requirements of the Drainage Ordinance. The City shall not install driveway culverts for commercial or industrial developments or property nor in active residential developments (e.g., subdivisions under construction) or other residential property for which a building permit is active or planned. (Ord. No. 5187, §1, 5-5-03)
ARTICLE VIII. VARIANCES & PENALTY

15-10-33. Variances.

(a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the city engineer shall review such requests for variances and shall forward his recommendation to the board of adjustments and appeals for final action so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a variance shall be granted:

(1) The conditions upon which the request for variance is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.

(2) The granting of the variance will not be detrimental to the public safety, health or welfare of, or injurious to, other property.

(b) No variance shall be granted except upon written petition by the developer when the request for approval is filed with the city. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made. In approving variances, the board of adjustments and appeals may, at its option, require special conditions to ensure construction in accordance with objectives, standards and requirements of this Ordinance. (Ord. No. 5533, §2, 2-5-07)

Cross reference—Board of adjustments and appeals, §2-8-14.

15-10-34. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal 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. (Ord. No. 4960, § 18, 3-5-01)

Cross reference—Violation of building and development codes - disconnection of water service, §15-1-8.

(Ord. No. 4835, § 1, 12-6-99)
15-10-35. Alternative material and methods.

Developers may propose alternative materials, methods and designs in accordance with the U.S. Green Building Council, Leadership Energy and Environmental Design (LEED) voluntary rating system. Such proposals must include documented evidence from professional engineers, architects, or environmental planners demonstrating the effectiveness of the proposed alternative materials, methods and designs in meeting the intent and purpose of these regulations. For purposes of this section a LEED consists of a long-term, integrated, systems approach to developing and achieving a healthy community by jointly addressing economic, environmental, and social issues. Any such proposals must be specifically approved by the Planning Commission and the City Engineer. (Ord. No. 5052, §1(b), 1-22-02)
ARTICLE I. SCOPE AND DEFINITIONS


15-11-1.1. Short title.

This ordinance may be referred to as the “Hot Springs Drainage Specification Ordinance.”

15-11-1.2. Adoption.

In order to provide for the health, safety, and general welfare of the public, the City of Hot Springs Board of Directors does hereby adopt the drainage specifications contained hereinafter.

15-11-1.3. Approval required.

No storm drainage facility, whether an enclosed structure, pipe, open channel, ditch, or stream, shall be constructed, altered, extended, or reconstructed within a subdivision, planned development, or a developed area, within a public right-of-way, whether public ownership or easement, or discharging into, upon, or under a public right-of-way within the planning jurisdiction of the City of Hot Springs, Arkansas, without first obtaining written approval of the City of Hot Springs, and all such construction shall meet or exceed the requirements of these drainage specifications.

15-11-1.4. Related standards.

These drainage specifications shall be used in association with the adopted ordinances and regulations pertaining to; (1) subdivisions; (2) planning and zoning; (3) streets; and (4) the Flood Prevention Code. Where two or more of these regulations conflict, or where two or more sections of these drainage specifications conflict, the more restrictive specification shall govern.


(a) The following words, terms, phases, abbreviations, or acronyms, when used in these drainage specifications, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Cross reference—§16-4-1, Subdivision Code.
AASHTO: American Association of State Highway and Transportation Officials.

AHTD: Arkansas State Highway and Transportation Department.

AHTD Standards or AHTD Specifications: The latest edition of the “Standard Specifications For Highway Construction” as published by the Arkansas State Highway and Transportation Department.

Applicant: The developer.

Approval by City, Submitted For Approval or Similar Terms: Shall refer solely to the action of the city in reviewing a drainage work construction plan submitted by a developer for the purpose of determining whether the proposal conforms with the minimum requirements of these specifications. Such review and approval shall not be construed to indicate that the city has engineered the project, has independently examined or reviewed the engineering design of the project, that the city has thoroughly inspected construction, that purchasers, users, or affected properties should rely on the city’s action as indicating the project is designed or constructed, nor to indicate any other level of review, inspection or supervision in excess or in addition to review of the project to determine that it meets the minimum requirements of these drainage specifications. All acts of approval shall be accomplished only by employees of the city expressly authorized by the board of directors or city manager to accomplish such tasks of approval. Further, in approving the proposed projects as meeting the minimum requirements of these specifications, the city shall rely on the statements and representations made in the developer’s engineering report, plans and specifications.

Agricultural: Any operation for the production of goods by way of land use including crop land, forage production, animal husbandry, dairy and floriculture.


Base Flood: The flood that would results from a 100-year storm event, i.e., the 100-year flood or the once-in-100-year flood.

Board of Adjustments and Appeals: Any references to a board of adjustments and appeals shall mean such appeals board as may now or hereafter exist and be designated by the board of directors to serve in that capacity for the purposes of this code. (Ord. No. 5534, §1, 2-5-07)

Board or Board of Directors: The duly elected governing body of the City of Hot Springs, Arkansas.

Bond, Maintenance: A bond posted by the developer to the city to cover the cost of maintenance, repair, or replacement of a storm-water management, drainage, and/or erosion control project.

Bond, Performance and Payment: A bond posted by the developer of a storm-water management, drainage, and/or erosion control project to guarantee completion of the proposed work, and to guarantee payment of all charges for labor, material, equipment, and all other items and services used or utilized in the project.
Building: Any structure built for the support, shelter or enclosure of persons, animals, materials, or equipment, and having a permanent foundation.

Channel: A course of perceptible extent which periodically or continuously contains moving water and which has a definite bed and banks.

City: The words “the city” or “this city” shall be construed as if the words “of Hot Springs” follow it and shall extend to and include its several officers, agents and employees.

City Engineer: The employee of the city designated by the city manager as the city engineer or acting in the capacity of a city engineer (e.g., public works director).

Commercial Establishment: A unit whose function is to sell goods and/or services at wholesale or retail, where goods are not stored outside buildings, and offices of construction firms where neither materials nor equipment are stored, manufactured, or assembled on site. Establishments which would otherwise be considered within this definition but which have limited or incidental outside storage or assembly may be included in this definition.

Commission: The planning commission of the city of Hot Springs, Arkansas, as established by ordinance of the Hot Springs board of directors.

Conduit: Any open or closed device for conveying flowing water.

County: Garland County, Arkansas.

County Judge: The chief executive officer of Garland County, Arkansas.

Detention: The temporary storage of runoff flows under predetermined and controlled conditions to reduce peak discharge flow rates, and accompanied by controlled release of the runoff waters.

Detention Basin: Any manmade area which serves as a means of controlling and temporarily storing storm-water runoff, and which drains completely between storm events.

Detention Pond: Any manmade structure which serves as a means of controlling and temporarily storing storm-water runoff, and in which a fixed minimum water level is maintained between storm events, except for the lowering due to losses of water due to evaporation or infiltration.

Developer: Any person, firm, corporation, utility, or other entity planning, constructing, altering, reconstructing, or extending any drainage work within the planning jurisdiction of the city of Hot Springs, Arkansas.

Development: Any change of land use or improvement on any parcel of land.
Development, New or Proposed: Any improvements to property which will or may result in a subdivision of property into two or more tracts for sale, lease, or rental, and any development which would require the extension of existing streets or development of new streets.

Differential runoff: The increase or decrease in volume of and/or rate of flow of storm water runoff discharged from a parcel of land or drainage area after a proposed development is completed when compared with the volume and/or rate prior to the development.

Drainage area: The watershed area contributing surface water to a storm water management system.

Drainage facility: Any ditch, channel, swale, pipe, creek, river, culvert, gutter, basin, box, head wall or other structure which does or is designed for conveying or directing the flow of storm water runoff.

Drainage work: Any work of designing, planning, or construction of any item of site grading, installation, or construction of any devise or structure to convey or direct the flow of storm water runoff within the planning jurisdiction of the City of Hot Springs Planning Commission.

Easement: Authorization by a property owner for use by another party for all or any part of the owner's property for a specific use and purpose.

Engineer: A professional engineer registered to practice in the State of Arkansas.

Engineer, project: The engineer retained by the developer to design a specific storm water management system.

Erosion: The wearing away of land by the action of wind, water or gravity.

Extraterritorial area: The area between the city limits and the outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Extraterritorial limits: The outer boundary of the city planning area as adopted by the Hot Springs board of directors.


Flood plain: The land area which is likely to be flooded under a given set of conditions.

Flood plain elevation: The top elevation of the water surface that may result from a storm event under a given set of conditions.

Floodway: The channel of a river or other water course and the adjacent land area through or over which storm water will flow under a given set of conditions.

Frequency: The reciprocal of the exceedance probability.
Impervious surface: A surface on or above the ground surface which is highly resistant to the infiltration of water, specifically including asphalt, concrete, roofs and compacted clays.

Industrial establishment: A unit where a product is manufactured, fabricated, finished, or assembled on site, specifically including but not limited to: printing presses, construction firms where materials or equipment are stored outside, and wholesalers where products are stored outside buildings. Establishments which would otherwise be considered within this definition but which have limited or incidental commercial use may be included in this definition.

Land alteration: The process of grading, clearing, filling, excavating, quarrying, construction or similar activities.

Off-Site: Any premises not located within the bounds of the improvement project.

One-hundred year storm: A rainfall event of a specified duration having a one percent chance of occurrence in any given year.

Planning area: The area within the city limits of the city of Hot Springs plus the extraterritorial area of the City of Hot Springs Planning Commission.

Plat: The legally recorded surveyor’s drawing of a parcel of land which subdivides the parcel into two or more tracts.

Runoff coefficient: The amount given in percent terms of the total precipitation on a given area less that amount that is evaporated, entrapped or infiltrated into the soil. The percentage of the total precipitation that can be expected to be discharged from the site on the surface of the ground.

Storm water management system: The various parts and the sum of all the parts of a project which directs the flow of storm water runoff within and from a given site.

Storm water runoff: The water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions or vegetation, which flows over the surface of the ground and is discharged to the ground surface at a given point.

Swale: A shallow waterway less than two feet deep and having side slopes of not steeper than three horizontal to one vertical.

Time of concentration: The time required for runoff to flow from the most remote point in a watershed to a given discharge point.

Watercourse: Any stream, creek, brook, branch, pipe, depression, reservoir, lake, pond or drainage way in or into which storm water runoff flows.

Watershed: The total area of land from which runoff is discharged at a given point.

(b) All definitions regarding streets, and street classifications shall be as given in the Hot Springs Street Specifications Ordinance.
ARTICLE II. GENERAL REQUIREMENTS

15-11-3. Request for approval.

(a) Prior to beginning construction of any drainage work within the jurisdiction of these drainage specifications, the developer shall submit a request for review and approval to the planning department. The planning department shall submit a copy to the city engineer for his consideration. All such requests shall be approved by the city engineer in accordance with the provisions of this ordinance.

(b) In addition to the above, a request for approval for any and all proposed drainage work projects, located within the extraterritorial area shall be submitted to the county judge by the developer.

(c) Three (3) copies of each request shall be submitted and shall include the following documents:

(1) Letter requesting approval.

(2) Plans and specifications for the proposed drainage work.

(3) Vicinity map or other complete description of the location of the proposed drainage work, sufficient to clearly describe the location in such a matter as to enable the site to be easily located on city and/or county maps and in the field.

(4) Additional information that the city engineer may consider appropriate to the review of the project, including flood information, downstream and/or upstream drainage structures, existing utility locations, soils information, etc.

(5) Identification of the ownership of the proposed project area and adjacent areas.

(d) The city engineer shall review all complete requests for approval and approve, deny, or approve with conditions in writing any such request for approval of drainage work.

(e) The city engineer shall notify the developer, planning commission and/or the county judge as required herein, in writing, within thirty (30) consecutive calendar days after his office receives such complete request for approval. Such approval shall be a statement that the city engineer finds that the proposed drainage work project, as presented in the submitted documents, meets the minimum requirements of these drainage specifications. This approval shall be referred to as approval of the plans and specifications.

(f) A permit for construction must be issued by the city engineer prior to commencing construction for any drainage work project. Such written notification shall clearly state the city engineer’s approval, denial or approval with conditions.

(g) Any incomplete request shall be returned to the developer and such notification shall include a list of items which would be needed to complete the request.
(h) If no written response is made by the city engineer within the thirty (30) consecutive calendar day period after having received a complete request for approval, the plans and specifications shall be considered approved. No such approval shall absolve the developer from the other requirements of these drainage specifications.

(i) Written approval from the city engineer for a drainage work project in an existing development shall constitute acceptance of the plans and specifications as meeting the technical requirements of these specifications and related regulations and ordinances. Construction of the project can begin only after the developer has submitted to the city a performance and payment bond and a maintenance bond, each in the amount of one hundred percent of the estimated construction cost of the project. The performance and payment bond shall guarantee the completion of the construction work as proposed and that all costs of the project are paid. The maintenance bond shall guarantee, for one year after acceptance of the completed construction by the city engineer, the repair or replacement of all or any portion of the project which may prove inferior due to materials or workmanship.

(j) After receiving the required bonds, the city engineer shall issue a permit to the developer to construct the proposed drainage work.

(k) The city engineer’s approval, denial, or approval with conditions of the plans and specifications for drainage work in proposed new developments, shall be submitted to the planning commission for further consideration. The planning commission shall have sole authority and responsibility for final approval of proposed drainage work in proposed new developments.

(l) If the proposed project is located within the extraterritorial area, the city engineer’s approval, denial or approval with conditions shall be submitted to the county judge.

(m) The request for approval for drainage work within street rights-of-way shall be submitted as a part of the street work project and no separate request will be required. In such combined request, all technical requirements of these drainage specifications shall be met in the drainage work elements of the project.

15-11-4. Requirements to provide storm water management systems in new developments.

(a) All new developments of any kind, shall be required to provide, at the expense of the developer, a storm water and erosion control management system within the development in accordance with these drainage specifications and in accordance with other regulations and ordinances of the city governing drainage work.

(b) Off-site drainage facilities leading away from such developments may also be required to be constructed or otherwise upgraded, at the expense of the developer, to meet the intent of these specifications.
(c) The developer shall dedicate by easement shown on the recorded development plat or by separate recorded drainage easement for all drainage facilities. Such easement shall be not less than twenty (20) feet in width and shall be dedicated to the public for drainage use. Such easements shall be provided for each and every section of all drainage facilities which drain any upstream watershed of five acres or more and are not otherwise located within public rights-of-way.

15-11-5. City participation in drainage work cost.

(a) The city may participate in the construction cost of drainage work within the city limits either adjacent to a development or on a drainage facility leading away from a development if the need for such improvement is not totally caused by the development in question. The appropriateness of any such cost sharing between the developer and the city shall be determined by the planning commission on the recommendation of the city engineer. The city engineer shall base his recommendation on the prorata share of the need for the work as a result of the development versus the need for the work as a result of other factors.

(b) In no case shall the city participate in the cost of drainage work which is located totally within the bounds of the development or which drains only the properties within the development.

(c) A formal hydrological study may be required in connection with a proposed cost share project, if in the opinion of the city engineer and/or planning director, it is required to properly determine cost shares between the developer and the city. The cost of such study shall be paid by the developer.

(d) City participation in any cost sharing project shall be dependence on the availability of funds as appropriated by the board of directors.


Right-of-way width for drainage facilities shall be a minimum of 15' wide and include the width of the pipe, channel, creek, ditch, etc., from top of slope on one side to the top of slope on the opposite side plus a horizontal distance of five feet outside the top of slope on each side. Easements for rights-of-way shall provide for operation, maintenance, repair, cleaning, reconstruction, reshaping and improvement for the purpose of maintaining proper drainage, and shall include access across adjacent properties for operating, maintaining, cleaning, reconstruction, reshaping and improving such drainage facility.

15-11-7. Submission documents.

(a) The letter of request shall be addressed to the planning director or county judge, as required herein. It shall clearly state the purpose of the request, the conditions that created the need for the improvements, and the probable impact of the proposed project on the neighborhood. It shall include the name of the developer and the name of the person who will serve as the developer’s representative regarding the project, his address and his telephone number.
(b) The plans shall be submitted on 24” by 36” or smaller drawing sheets. All sheets in any one drainage work project shall be of the same size, shall be bound into one set and shall be on one of the standard sheet sizes, i.e., “A” (8.5” x 11”), “B” (11” x 17”), “C” (18” x 24”) or “D” (24” x 36”). Plan drawings shall have a scale of one inch equals one hundred feet or larger. Construction details shall have a scale of one quarter inch equals one foot or larger.

(1) All plans and specifications for any drainage work project with a probable construction cost of $25,000 or more shall have been prepared by and bear the seal of a professional engineer registered to practice in the state of Arkansas.

(2) The city engineer may, when conditions warrant, require that the developer retain the services of a professional engineer to prepare the plans and specifications for a drainage work project of smaller size.

(3) When required by the city engineer, an engineer’s report shall also be submitted. The engineer’s report shall be prepared by a qualified engineer retained by the developer and shall include the design calculations, soils investigations, watershed areas, rainfall intensities, flow calculations, and other information used to design the proposed storm water management and erosion control system.

(4) The plans shall include the following:

a. Layout plans of the proposed project at a scale of 1” = 100’ or larger. The layout plans shall include the following:

1. Layout of all elements of the entire drainage work project.
2. Size, shape, length and location of all pipe, swales, channels and other drainage facilities.
3. Flow-line elevations at ends, junctions, basins and bends.
4. Slopes in percent grade for all segments over one hundred feet in length.
5. Existing and proposed easements.
6. Existing and proposed contours of proposed development area, based on USGS mean sea level datum.
7. Existing structures, utility lines, water and sewer lines.
9. Watershed outline and watershed areas for each drainage segment.

b. Profiles shall be provided for drainage facility sections of 200 feet or greater in length and shall include the following:

1. A horizontal scale of one inch equals one hundred feet or larger.
2. A vertical scale of one inch equals ten feet or larger.
3. All elevations shall be shown relative to USGS mean sea level datum.
4. Natural ground elevations.
5. Proposed finish grade elevations.
6. Proposed flow line elevations.
7. Length and grade of each section.
8. Location of each junction box, catch basin, curb inlet and all other structures proposed to be installed.
9. Invert of existing grade at discharge point.
10. Invert and location of any and all intersecting drainage facilities.

c. Typical cross sections of all swales, ditches and channels including the following:
   1. Width at bottom.
   2. Side slopes.
   4. Minimum and maximum depth.

d. Typical trench detail for drainage pipe installation.

e. Plan and cross section details for construction of junction boxes, catch basins, curb inlets, valley gutters, retention basins, detention basins, and all other structures necessary for the complete construction of the proposed drainage work.

(5) Technical specifications shall be placed on the drawings or presented on typed and bound 8.5" by 11" bond paper and shall include the following:


b. Methods of construction.

c. Quality control requirements.

d. Sampling and testing procedure.

(6) The names of the existing owners of the properties within and adjacent to the project boundaries shall be included on the layout plan or on a separate drawing which can be related directly to the layout plan.

(7) Plans, specifications, and all data submitted in conjunction with the plans and specifications shall constitute a complete design. Any item not specifically included in these documents shall not be considered reviewed nor approved by the city engineer’s approval based on these documents.

(a) The developer shall be responsible for installation of the proposed drainage work including all design and construction, and for all cost associated therewith except in situations where cost sharing may be appropriate and is approved by the city.

(b) All formal agreements entered into by the city will be with the developer regardless of the developer’s form of organization.

(c) The developer shall provide all engineering services required for planning, design, investigation, inspection, testing, and related activities necessary for drainage work, and shall be responsible for drainage work in accordance with the design approved by the city as satisfying the minimum requirements of these specifications.

(d) When drainage work is located within an existing development, within the city limits, the developer shall provide a performance and payment bond and a maintenance bond to the city. Each bond shall be in the amount of one hundred percent of the estimated construction cost. The bonds shall be provided in one of the following forms.

(1) A bond issued by a bonding company licensed to do business in the state of Arkansas. The bond shall be in the form approved by the city attorney. A certificate of the power of attorney for the individual executing such bonds shall also be submitted.

(2) Assignment of bond or bonds from a licensed contractor to the developer for construction of the project in the amounts and in the form specified above. Such bond or bonds shall be assigned to the city by the developer or the city of Hot Springs named on the bond or bonds along with the developer.

(3) A cash deposit or a cashier’s check, in the full amount, made to the city of Hot Springs.

(4) An irrevocable letter of credit in the full amount. If a letter of credit is utilized, the letter shall be from a bank insured under the Federal Depositors Insurance Corporation, and the city shall have the right of approval for the terms of such letter of credit.

(5) An escrow account established with a bank which is insured by the Federal Depositors Insurance Corporation. Such escrow account shall be set up for the specific purpose of guaranteeing the performance and payment and/or maintenance of the project, and shall be in the amount of one hundred percent of the estimated project cost.

(6) The developer may provide a certificate of deposit, treasury bond or other negotiable government security, in the full amount. The instrument will be returned to the developer upon final acceptance of the project by the city.
(e) The performance and payment bond shall remain in effect throughout the construction period and shall not be canceled or otherwise diminished prior to final acceptance of the project by the city.

(f) The maintenance bond shall remain in effect throughout the warranty period and shall not be canceled or otherwise diminished prior to the end of the one year maintenance period.

(g) Where letters of credit or escrow accounts are used in lieu of bonds, the total amount shall not be drawn down or diminished in any way during the construction or maintenance period as applicable.

(h) Where proposed drainage work is located in new developments, the developer may provide the performance and payment bonds as specified above, or he may construct the facilities after approval of the plans and specifications, complete the construction, and then request final approval of the drainage work prior to filing the record plat of the development. In either case, the one year maintenance bond shall be provided by the developer to the city before final acceptance by the city can be granted.

(i) The developer shall provide to the city, a set of reproducible record (as built) drawings after construction is complete, but prior to final acceptance by the city of the drainage work project. Such record drawings shall be submitted at the same scales and with the same requirements as required in the original submitted plans, and shall show the various elements as they were constructed.

(j) The developer shall afford city personnel the right of access to the project site during the plan review and construction phases of the project. The developer shall schedule all activities to provide the city with adequate notice and review time.

(k) The developer shall be responsible for the preparation and submission of all documents required in these drainage specifications, including submission documents, bonds, and as-built drawings.

(l) The developer shall obtain and submit to the city the approval of the county judge for any drainage work project located within the extraterritorial area.

(m) The developer shall notify the city of the date construction is to commence at least five days prior to such date.

(n) The developer shall notify the city when construction is complete and arrange for a pre-final inspection. He shall also notify the city when any punch list items are complete and arrange for any necessary final inspection.

(o) In the case of an emergency, the developer shall proceed to construct the needed repairs to alleviate the emergency condition and shall notify the city engineer of such emergency as soon as practical, and not later than the end of the first working day after such emergency is discovered. For the purpose of these specifications, an emergency condition may
be considered to exist when: (1) an existing condition presents an immediate hazard to the health and safety of the public, (2) existing conditions could result in the immediate flooding of any building used for human habitation or for storage of materials or equipment, and/or (3) existing conditions, if left immediately uncorrected, would result in additional future expenditures of $2,000 or more.

(p) The developer shall be responsible for acquiring all permits necessary for construction of the drainage facilities including, but not limited to, permits to work on state highway rights-of-way, railroad rights-of-way, wet lands permits, and state and federal storm water permits.


(a) The design data, plans, specifications, and related information shall bear the name, signature and seal of the project engineer. The registration seal and signature of the project engineer shall be placed on each sheet of the plans and on each additional document submitted for approval.

(b) Soils investigations, materials testing, and quality control testing shall be performed by a laboratory approved by the city engineer. All reports submitted to the city shall bear the name of the project engineer.


Where estimates of construction costs are required to form the basis for bonding amounts or required for any other reason in these specifications, the developer shall have such estimates prepared and submitted to the city engineer. The city engineer shall review such estimates and approve or reject such estimates. If a disagreement as to the estimated cost should occur, the developer may present his justifications to the city engineer for consideration. The city engineer’s decision regarding such estimates, after thorough consideration, shall be final.


(a) After receiving an incomplete request for approval, the planning department shall notify the developer, in writing, giving notice of the incomplete request and listing the reasons for such incomplete determination as determined by the city engineer.

(b) After receiving a complete request for approval, the city engineer shall conduct a thorough review of the submitted documents and the conditions in the proposed project area and render a decision as to whether or not the proposed project meets the minimum requirements of these specifications.

(c) The city engineer may reject the plans and specifications for failure to meet the minimum requirements, approve the project as meeting the requirements, or approve the project with conditions. Such approval with conditions shall clearly state the changes necessary to bring the project into compliance.
(d) Approval with conditions, shall constitute an approval of the plans and specifications only if the developer incorporates the stated changes in the construction of the project.

(e) After the city engineer has received the required performance and maintenance bonds, the city engineer shall examine the bonds and, if he finds them in order, issue to the developer, within ten (10) business days, a permit to construct the drainage work project.

(f) Approval of the plans and specifications or a permit to construct shall remain in effect for a period of one (1) year from the date of issuance. After that time, a new request for approval and all required documents may be submitted for a new approval. Such resubmitted documents shall be reviewed in accordance with the ordinances and regulations in effect at the time of the new submission.

(g) The city shall observe at various stages of the construction. The city reserves the right to observe the construction at all times.

(h) When the developer notifies the city that the construction is complete, and after the developer has submitted the required maintenance bonds and record drawings, the city engineer shall conduct a pre-final inspection of the constructed project. The city engineer may accept the project as constructed, in writing, as conforming to the approved plans and specifications, or he prepare a punch list of incomplete and unacceptable items.

(i) After the developer has corrected the items on any punch list, he shall notify the city engineer.

(j) The city engineer shall conduct a final inspection of the project and, if he determines that the construction conforms to the approved plans and specifications, issue, in writing, a final acceptance of the project. If, upon inspection, the city engineer finds that the project still does not meet the requirements, a second punch list shall be prepared and submitted to the developer. This process shall continue until the constructed project conforms to the approved plans and specifications and all approved changes thereto.

(k) Where the drainage work project is located in the extraterritorial area, the final acceptance of the city engineer shall be submitted to the county judge.

(l) Upon notification of emergency repairs or construction, the city engineer shall, as soon as practical, inspect such emergency drainage work. Emergency drainage work shall meet the minimum technical requirements of these specifications and require the same procedure for final acceptance as required for any other drainage work project. The city engineer may reject such emergency drainage as not meeting the minimum requirements of these specifications. In this case, the developer shall repair or reconstruct such work in such a manner to bring such drainage work into compliance with these specifications.
ARTICLE III. MINIMUM DESIGN CRITERIA

15-11-12. General design requirements.

(a) The rational method shall be used as the standard method for design of storm water management systems.

(b) At points where the upstream watershed is over 300 acres, or where lakes are included, other methods, such as the soil conservation service TR-55 hydrograph method may be required by the city engineer.

(c) The rational method is based on the formula \( Q = CIA \) for estimating runoff from rainfall where:

\[
\begin{align*}
Q &= \text{The rate of flow in cubic feet per second} \\
I &= \text{The rainfall intensity in inches per hour} \\
C &= \text{The runoff coefficient} \\
A &= \text{The area of the upstream watershed in acres}
\end{align*}
\]

(d) The rainfall intensity shall be based on the time of concentration, the design storm frequency, and the historical records of rainfall as given in “Technical Paper No. 40, Rainfall Frequency Atlas of the United States” as published by the Weather Bureau, U.S. Department of Commerce.

(e) The time of concentration shall include the total time of overland flow, channel flow, and any delays due to lakes, basins or other water bodies. Types of surfaces, hydraulic gradient, and probable future development shall be utilized to arrive at the design time of concentration.

(f) The runoff coefficient shall be based on the reasonable expectation of the ultimate development of the upstream watershed, and the various surfaces of the watershed shall be composited together to arrive at the coefficient for the contributing watershed. The values given in the following tables shall be used as a guide in calculating the runoff coefficient:
### RUNOFF COEFFICIENTS

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<thead>
<tr>
<th>Area Description</th>
<th>Runoff Coefficient</th>
<th>Minimum</th>
<th>Recommended*</th>
<th>Maximum</th>
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<td>0.9</td>
<td>0.95</td>
</tr>
<tr>
<td>City Business - Other</td>
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<td>0.75</td>
<td>0.95</td>
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<tr>
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<td>0.4</td>
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<tr>
<td>City Residential - Multi-units Detached</td>
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<td>0.5</td>
<td>0.6</td>
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<tr>
<td>City Residential - Multi-units Attached</td>
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<td>Suburban - Single Family less than one acre</td>
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<td>0.5</td>
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<tr>
<td>Industrial</td>
<td></td>
<td>0.5</td>
<td>0.7</td>
<td>0.8</td>
</tr>
<tr>
<td>Parks and Cemeteries</td>
<td></td>
<td>0.1</td>
<td>0.25</td>
<td>0.3</td>
</tr>
<tr>
<td>Playgrounds</td>
<td></td>
<td>0.2</td>
<td>0.3</td>
<td>0.35</td>
</tr>
<tr>
<td>Unimproved</td>
<td></td>
<td>0.1</td>
<td>0.2</td>
<td>0.3</td>
</tr>
</tbody>
</table>

* Recommended values given may be used for ground slopes from three to five percent. Values shall be adjusted for steeper or flatter slopes within the ranges given.

### RUNOFF COEFFICIENTS

<table>
<thead>
<tr>
<th>Surface Type</th>
<th>Runoff Coefficient</th>
<th>Minimum</th>
<th>Recommended*</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt Pavement</td>
<td></td>
<td>0.7</td>
<td>0.9</td>
<td>0.95</td>
</tr>
<tr>
<td>Concrete Pavement</td>
<td></td>
<td>0.7</td>
<td>0.9</td>
<td>0.95</td>
</tr>
<tr>
<td>Gravel</td>
<td></td>
<td>0.25</td>
<td>0.5</td>
<td>0.7</td>
</tr>
<tr>
<td>Roofs</td>
<td></td>
<td>0.7</td>
<td>0.9</td>
<td>0.95</td>
</tr>
<tr>
<td>Sandy Soils - Bare Vegetation</td>
<td></td>
<td>0.15</td>
<td>0.4</td>
<td>0.55</td>
</tr>
<tr>
<td>Sandy Soils - Light Vegetation</td>
<td></td>
<td>0.1</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Sandy Soils - Dense Vegetation</td>
<td></td>
<td>0.05</td>
<td>0.2</td>
<td>0.3</td>
</tr>
<tr>
<td>Loam Soils - Bare Vegetation</td>
<td></td>
<td>0.2</td>
<td>0.4</td>
<td>0.6</td>
</tr>
<tr>
<td>Loam Soils - Light Vegetation</td>
<td></td>
<td>0.1</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Loam Soils - Dense Vegetation</td>
<td></td>
<td>0.05</td>
<td>0.2</td>
<td>0.35</td>
</tr>
<tr>
<td>Clay or Silt Soils - Bare Vegetation</td>
<td></td>
<td>0.3</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Clay or Silt Soils - Light Vegetation</td>
<td></td>
<td>0.2</td>
<td>0.4</td>
<td>0.7</td>
</tr>
<tr>
<td>Clay or Silt Soils - Dense Vegetation</td>
<td></td>
<td>0.15</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Exposed Rock Soils</td>
<td></td>
<td>0.65</td>
<td>0.75</td>
<td>0.9</td>
</tr>
</tbody>
</table>

*Recommended values may be used for surfaces with slopes of three to five percent. Values shall be adjusted for steeper or flatter slopes within the ranges shown.

(g) Storm water management systems shall be designed such that the finished floor of all buildings shall be at least one foot above the once in one hundred year flood elevation.
(h) Storm water management systems shall be designed to prevent flooding of land any more than one time in the number of years given in the following table.

<table>
<thead>
<tr>
<th>MINIMUM DESIGN FREQUENCY STORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Description</td>
</tr>
<tr>
<td>Local Street</td>
</tr>
<tr>
<td>Minor Collector Street</td>
</tr>
<tr>
<td>Major Collector Street</td>
</tr>
<tr>
<td>Arterial Street</td>
</tr>
<tr>
<td>Highway</td>
</tr>
<tr>
<td>Railroad</td>
</tr>
<tr>
<td>Residential Land</td>
</tr>
<tr>
<td>Commercial Land</td>
</tr>
<tr>
<td>Industrial Land</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
</tr>
</tbody>
</table>

* Flooding across any street which may result in a water depth of eight inches or more shall be designed for the once-in-one-hundred-year storm frequency.

(i) All proposed lots or building sites in new developments, which lie within the one-hundred-year flood plain, shall have a minimum finished floor elevation given on the final record plat of such development. Such minimum finished floor elevation shall be at least one foot above the water elevation of the base flood.

(j) All storm water management systems shall be adequate to contain the runoff from the design storm from the project area to an existing waterway of adequate size to carry the runoff flows.

(k) All conduits, channels or other concentrated storm water conveyance shall be intercepted before crossing the curb (or curb-line). Discharges of such concentrated flows shall not be discharged over the curb nor into the gutter or any other portion of the street pavement or shoulder.

(l) No building or other enclosed structure shall be placed within ten feet of any drainage facility.


(a) The flow capacity of drainage structures shall be determined by the manning formula and entrance control.

(b) The coefficient of friction or roughness coefficient to be used shall be as given in the following table.
### COEFFICIENT OF FRICTION

<table>
<thead>
<tr>
<th>Material</th>
<th>Coefficient of Friction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed rock</td>
<td>0.03</td>
</tr>
<tr>
<td>Brick in cement mortar</td>
<td>0.013</td>
</tr>
<tr>
<td>Clay pipe</td>
<td>0.013</td>
</tr>
<tr>
<td>Corrugated Plastic - Smooth Lined</td>
<td>0.013</td>
</tr>
<tr>
<td>Corrugated Metal</td>
<td>0.023</td>
</tr>
<tr>
<td>Corrugated Metal with paved invert</td>
<td>0.021</td>
</tr>
<tr>
<td>Earthen channels - Clean, straight, and smooth</td>
<td>0.02</td>
</tr>
<tr>
<td>Earthen channels natural with no weeds</td>
<td>0.03</td>
</tr>
<tr>
<td>Earthen channels with weeds or other vegetation</td>
<td>0.04</td>
</tr>
<tr>
<td>Portland Cement Concrete</td>
<td>0.013</td>
</tr>
<tr>
<td>Rip Rap</td>
<td>0.04</td>
</tr>
<tr>
<td>Smooth Plastic</td>
<td>0.01</td>
</tr>
<tr>
<td>Steel Pipe</td>
<td>0.015</td>
</tr>
</tbody>
</table>


(a) Street curbs and gutters shall be an integral part of the storm water management system. To the maximum extent possible, drainage systems, street layout and grades, lotting patterns, and the location of curbs, gutters, curb inlets, catch basins, storm sewers and swales shall be concurrently designed.

(b) Curbs and gutters shall be designed to convey the runoff from the design storm without flooding the street centerline or overflowing the top of the curb.

(c) Gutter drainage shall be intercepted by curb inlets, catch basins or other approved facility and placed into storm sewers or channels. Such curb inlets, etc., shall be placed at intervals of not greater than eight hundred feet.

(d) No runoff based on the design storm shall be allowed to flow across the centerline of any street except where valley gutters are specifically authorized.

(e) Valley gutters may be used across intersections of local residential and local industrial streets at points where the total gutter flow distance, including the distance across the valley gutter, does not exceed the total length of eight hundred feet.

(f) In high pedestrian areas, curb inlets shall be placed to prevent excessive amounts of runoff water in the pedestrian crosswalk based on the ten-year storm.

(g) The construction details for curbs and gutters and valley gutters shall be as given in Appendix “A” to these specifications.

**Editor’s note**—Appendix A to the Hot Springs Drainage Specifications Ordinance is on file in the Office of the City Clerk.

(a) Storm sewers may be underground circular, elliptical, or arch pipe or underground rectangular cast in place or pre cast concrete sections.

(b) The minimum storm sewer pipe shall be 15 inches in diameter or an equivalent arch pipe.

(c) Storm sewers shall be provided with a means of access at all horizontal bends and at vertical grade breaks of three percent or more. Access may be provided by means of curb inlets with manhole access, catch basins with removable grates, by junction boxes with manhole access or by standard sewer manholes.

(d) Curb inlets, catch basins, junction boxes and manholes shall be constructed with the details shown in Appendix “A.”

Editor's note—Appendix A to the Hot Springs Drainage Specifications Ordinance is on file in the Office of the City Clerk.

(e) All storm sewers shall be designed so as to maintain a minimum velocity of 2.5 feet per second and a maximum velocity of 15 feet per second when flowing full.

(f) Provisions shall be made at the discharge points of storm sewers to prevent erosion of the receiving stream and the surrounding area.

(g) The minimum cover over storm sewers shall be one foot between the top of the sewer and the finish grade.

15-11-16. Open channels.

(a) Open channel storm-water conveyance structures may consist of swales, constructed channels or natural or improved creeks and streams.

(b) Unpaved grass lined channels may be used where the design storm velocities do not exceed six feet per second. All unpaved channels shall be seeded, plugged or sodded immediately after their construction and adequate measures taken to prevent erosion.

(c) Side slopes of unpaved open channels shall have a minimum of three horizontal to one vertical. Side slopes for open channels for any area that may be mowed by lawn mowers, including residential, commercial and industrial areas shall have a minimum of four horizontal to one vertical.

(d) Special protection such as head walls or rip-rap will be required at all points in otherwise unpaved channels such as bends, junctions, inlets and outlets where erosion may occur.

(e) All open channels having a velocity of more than six feet per second shall be paved with an erosion control material. Such material may be concrete, brick, rock or other lining material approved by the city engineer.
(f) Paved open channels may utilize steeper side slopes with the following provisions:

(1) Reinforced concrete lined channels may use vertical slopes. Reinforced concrete channels with side slopes of less than three horizontal to one vertical and a depth of nine inches or more shall be provided with safety devices, such as hand rails, to prevent accidental falls into the channel.

(2) Brick and rock (rip rap) lined open channels shall have minimum side slopes of one horizontal to one vertical.

(g) Concrete lined open channels shall have a minimum of four inches thick concrete and have a minimum of ten gauge wire reinforcing at six inches on center.

(h) Brick lined open channels shall have standard thickness brick with full mortared joints.

(i) Rock lined open channels shall be of rip rap meeting AHTD specifications and shall be installed over a minimum of six MIL thickness of continuous polyethylene fabric.

ARTICLE IV. DRAINAGE FACILITY MATERIALS

15-11-17. Pipe culverts and storm drainage pipe.

Materials for pipe culverts and storm drainage pipe shall be reinforced concrete, closed profile plastic pipe or corrugated plastic pipe meeting the following specifications and limitations:

(a) Reinforced concrete pipe shall be Class III or higher with bell and spigot joints and conform to the requirements of the latest editions of the following standards.

(1) AASHTO M170 or ASTM C76 - Circular pipe, minimum wall thickness "B."

(2) AASHTO M206 or ASTM C506 - Arch shaped pipe.

(3) AASHTO M85 or ASTM C14 - Horizontal elliptical pipe (major axis horizontal).

(4) AASHTO M207 or ASTM C507 - Vertical elliptical pipe (major axis vertical).

(5) AASHTO M280 - Testing.

The class of pipe and date manufactured shall be marked on each joint of pipe section. Pipe shall be at least ten (10) days old before it is delivered to the project site. Joints shall be sealed with compression type pre-formed rubber gaskets or bitumen/butyl rubber plastic gaskets.
(b) Corrugated plastic pipe shall be smooth interior corrugated high density polyethylene. The manufacturer and furnishing of corrugated plastic pipe shall conform to latest edition: AASHTO M294 Type "S" for sizes 15 inches to 36 inches, MPG - 95 Type D or S for sizes 42 inches to 48 inches, and MPX-97 for sizes 54 inches and 60 inches. Couplings and fittings supplied and recommended by the pipe manufacturer shall be used. Factory installed bell and spigot joints with O-ring gaskets meeting ASTM F477 are preferred.

(c) Closed profile plastic pipe shall be closed profile polyvinyl chloride (PVC) pipe. The manufacturer and furnishing of pipe and fittings shall conform to ASTM F794 and uni-bell UNI-B-9. Pipe shall be installed in accordance with the pipe manufacturer’s guidelines.

(d) Corrugated plastic pipe shall be terminated with head walls, catch basins, junction boxes, curb inlets or other structures in order that the ends of the pipe may be protected from damage.

(e) Jointing of pipe culverts shall be in accordance with Section 606 of the AHTD standards.


(a) Portland cement concrete for paved liners and other structures shall have a 28-day compressive strength of 3000 pounds per square inch.

(b) Rip-rap shall meet the requirements of the AHTD specifications.

ARTICLE V. VARIANCES & PENALTY


(a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the city engineer shall review such requests for variances and shall forward his recommendation to the board of adjustments and appeals for final action so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a variance shall be granted:

(1) The conditions upon which the request for variance is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.

(2) The granting of the variance will not be detrimental to the public safety, health or welfare of, or injurious to, other property.
(b) No variance shall be granted except upon written petition by the developer when the request for approval is filed with the city. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made. In approving variances, the board of adjustments and appeals may, at its option, require special conditions to ensure construction in accordance with objectives, standards and requirements of this Ordinance. (Ord. No. 5534, §2, 2-5-07)

(Ord. No. 4834, § 1, 12-6-99)

Cross reference-Board of adjustments and appeals, §2-8-14.


The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal 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. (Ord. No. 4960, § 19, 3-5-01)

Cross reference-Violation of building and development codes - disconnection of water service, §15-1-8.


Developers may propose alternative materials, methods, and designs in accordance with the U.S. Green Building Council, Leadership Energy and Environmental Design (LEED) voluntary rating system. Such proposals must include documented evidence from professional engineers, architects, or environmental planners demonstrating the effectiveness of the proposed alternative materials, methods, and designs in meeting the intent and purpose of these regulations. For purposes of this section a LEED consists of a long-term, integrated, systems approach to developing and achieving a healthy community by jointly addressing economic, environmental, and social issues. Any such proposals must be specifically approved by the Planning Commission and the City Engineer. (Ord. No. 5053, §1, 1-22-02)

ARTICLE VI. EXISTING DRAINAGE STRUCTURES

15-11-22. Closing open ditches in residential areas.

Property owners in pre-existing residential areas shall be permitted to closed open drainage ditches within the right-of-way of public streets along their property in accordance with the provisions of this section. The ditch section to be closed must include the total length from the upstream point of origin to connection with the nearest downstream closed system or other approved drainage facility. In this regard, the permit application must include a signed statement from all affected property owners indicating their agreement with the proposed project. All costs associated with the closing shall be paid by the property owners. Any ditch closed pursuant to this section shall also include the installation of curb and gutter. Any work undertaken pursuant to this section shall be permitted, designed, approved and accomplished in accordance with the applicable provisions of this ordinance regulating the design, materials and installation of drainage systems, including design and submission of project plans by a Professional Engineer. (Ord. No. 5186, §1, 5-5-03)
CHAPTER 12

SIDEWALK/CURB MAINTENANCE

15-12-1. Construction and maintenance of sidewalk, amenities; responsibilities of abutting property owners.

(a) Sidewalk repair; maintenance. The owners and/or lessees of any property abutting on the streets or public squares of the city, shall build, rebuild, maintain and/or repair the sidewalks fronting or abutting on any city street and build, rebuild, repair and/or maintain the sidewalks in conformity to and in compliance with the ordinances of the city, after notice from city to do so. (Ord. No. 2175, § 1, 1-5-48)

(b) Cleaning sidewalks. The owners, lessees and occupants of any property abutting on the streets or other public rights-of-way shall keep the sidewalks fronting or abutting on said rights-of-way swept and clean at all times, and shall remove therefrom all trash and rubbish without discarding it in or on any public property or right-of-way. (Ord. No. 3865, § 2, 8-18-86)

(c) If the owners and/or lessees of any such property shall fail or refuse to comply with the provisions of this section in the manner and within the time herein prescribed, the city may do such construction or repairing or may contract with some suitable person for the construction, reconstruction or repairing of the sidewalk, on the best terms that can be made, and in the manner prescribed city ordinances, after giving reasonable notice to such owner, lessee or the agent in charge of the property of the intention to do so, and the city may pay the person for so constructing, reconstructing or repairing the same and the amount so paid or expended by the city, together with six (6) percentum penalty added thereto shall constitute a charge against the owner of the property; and shall be a lien on the property from the date of the commencement of the work, the charge and lien to be assignable by the city, the charge to be recovered in an ordinary suit against the owner by the city or its assignee, or the lien to be foreclosed by the city, or its assignee by suit in equity in the courts having jurisdiction of suits for the enforcement of liens upon real property, for the condemnation and the sale of the property for the payment of the sums so paid by the city, together with the interest, penalty and cost of suit, the suits in equity to be brought in the manner and under the terms now provided by law for the foreclosure of property by improvement districts, as far as applicable. (Ord. No. 2175, § 2, 1-5-48)

15-12-2. Curb ramp construction required.

In order to ensure accessibility for persons with disabilities, any new sidewalk construction or replacement of existing sidewalk, undertaken anywhere within the corporate limits of Hot Springs, shall include installation of curb ramps in accordance with the applicable provisions of ANSI A117.1-86. (Ord. No. 4351, § 1, 11-1-93)

Cross references-City-county beautification commission, § 2-8-2 et seq.; historic district preservation, § 16-7-2; placement of racks, dispensing equipment on public property, § 4-7-2; wheelchair ramps required, § 15-12-2; sidewalk construction specifications, Title 15; Chapter 10; fire district established, § 10-4-49, fire prevention code, §15-7-1.
15-12-3.  Patchwork repair of sidewalks prohibited.

When any person has torn up any sidewalk or curbing in the city, such person shall in the repairing of the same tear out the whole section of sidewalk or curbing in which the repairing is to be done and finish the section in accordance with the city ordinances regulating the constructing of sidewalks and curbings. (Ord. No. 342, 4-14-13)

15-12-4.  Reserved.

15-12-5.  C.B.I.D. No. 3 and the Downtown Business District\(^1\) streetscape design conformity.

(a) Individual owners and/or lessees of any property within the boundaries of the Downtown Business District\(^1\), as created by Ordinance No. 3906, adopted June 15, 1987, and Central Business Improvement District Number Three, as created by Ordinance No. 5133 adopted December 2, 2002, who shall hereinafter place, install, build, rebuild, maintain and/or repair the sidewalks or any amenities thereon, including but not limited to, trees, shrubs, benches, trash receptacles, street lights, and street signs, fronting and abutting any public street or public square within the boundaries of said district shall do so in conformity to and in compliance with such street scape plans and specifications as may now or hereinafter be approved by the commissioners of said districts. (Ord. No. 3906, §1, 16-15-1987, Ord. No. 5876, §1, 5-15-2012, Ord. No. 5877, §1, 05-15-2012 and Ord. No. 5922, §1, 2-5-2013)

(b) 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.

(Ord. No. 5499, §§ 1,2, 10-16-06)

\(^1\)Editor's note: The C.B.I.D. No. 2 was formed pursuant to Ordinance No. 3906, Dissolved by Ordinance No. 5876, Regulations maintained by Ordinance No.5877, and area renamed as the Downtown Business District by Ordinance No. 5922.

The following regulations, designed to lessen or deter hazards to persons, property and the environment caused by increased runoff, obstructions to drainage and introduction of excessive silts, debris and pollutants into the drainage system, lakes, ponds, streams, rivers and other water bodies in the City of Hot Springs, and to otherwise promote the public health, safety and welfare of the public are hereby adopted and this ordinance may be referred to as the “Hot Springs Stormwater Management Ordinance.”

15-13-1.1. Introduction and findings.

The Board of Directors finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety and welfare because:

(a) Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding;

(b) Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life;

(c) Increased erosion leads to sedimentation in stormwater management systems, which decreases the system’s capacity; and

(d) Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

Cross reference- §16-4-1, Subdivision Code.

Editors note: The Stormwater Management Program adopted by Resolution No 7340 is on file in the office of the city clerk.
15-13-1.2. Purpose and definitions.

(a) The purpose of this ordinance is to set forth the minimum requirements for construction site erosion control and stormwater management associated with both future land development and existing developed land within the city. These requirements will diminish threats to public health, safety, public and private property and natural resources of the City of Hot Springs by establishing performance standards that:

(1) Protect life and property from dangers associated with flooding;

(2) Protect public and private property from damage resulting from runoff or erosion;

(3) Ensure the annual runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from pre-development site conditions;

(4) Ensure the site design minimizes the generation of stormwater and maximizes pervious areas for stormwater treatment;

(5) Promote regional stormwater management by watershed;

(6) Provide a single, consistent set of performance standards that apply to all developments;

(7) Protect water quality from nutrients, pathogens, toxic matters, debris and other contaminants;

(8) Promote infiltration and groundwater recharge;

(9) Provide a vegetated corridor (buffer) to protect water resources from development;

(10) Protect functional values of natural water courses and wetlands;

(11) Provide plant and animal habitat and support riparian ecosystems;

(12) Achieve an 80% reduction in sediment load rates to the City of Hot Springs waters compared to no controls for all new development, a 40% reduction in sediment load rates compared to no controls for all redevelopment and street reconstruction, and a 20% reduction in sediment load rates compared to no controls for existing developments;

(13) Minimize sedimentation to the water resources of the City of Hot Springs;

(14) Protect functional values of natural water courses and wetlands;
(15) Protect public and private property from damage resulting from runoff or erosion;

(16) Control soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems;

(17) Require implementation of Best Management Practices to minimize the discharge of chemicals and other illicit discharges and pollutants, either directly or indirectly into the streams, rivers, lakes and other bodies of water; and into the city’s drainage infrastructure; and

(18) Assuring the City of Hot Springs is and will remain in compliance with federal and state law.

(b) The application of this ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer’s responsibility to exceed the minimum requirements as necessary.

(c) Enforcement and administration of this ordinance shall be the responsibility of such office(s) or officer(s) as designated by the City Manager, hereinafter termed Administrative Authority. The Administrative Authority may appoint such inspectors and assistants as necessary to assist in the performance of these duties. The Administrative Authority shall also be responsible to address other stormwater issues as they relate to the city’s compliance with its Small MS4 Storm Water Permit as issued by ADEQ to the City of Hot Springs.

(d) Definitions. As used in the Stormwater Management Ordinance, the following words and phrases shall have the following meanings:

*Best Management Practices (BMPs)* - Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, engineered systems, programs and other management practices published by state or designated area-wide planning agencies.

*Bio-retention* – (1) An engineered process to manage stormwater runoff, using the chemical, biological and physical properties afforded by a natural, terrestrial-based community of plants, microbes and soil. Bioretention provides two important functions: water quantity (flood) controls; and improves water quality through removal of pollutants and nutrients associated with runoff. (2) A method used for flow detention by utilizing infiltration. This method is normally used in small areas.

*C.H.S. (CHS)* – City of Hot Springs
City engineer – The civil engineer responsible for directing the city engineering department in the execution of its duties.

City engineering department - The department responsible for all stormwater management activities and implementation of the provisions of this ordinance.

Collector and arterial streets and highways – These are certain streets as depicted on the latest City of Hot Springs Master Street Plan Map for a particular design capacity and purpose.

Commercial development – means any development that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

Common plan of development - A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Constructed wetlands - an artificial wetland system designed to mitigate the impacts of urban runoff.

Construction activity - For this permit, construction activity includes construction activity as defined in 40 C.F.R. part 122.26(b)(14)(x) and small construction activity as defined in 40 C.F.R. part 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more.

Construction site erosion control - Preventing or reducing soil erosion and sedimentation from land disturbing activity.

Contractor certification program - a voluntary program in which the city will provide periodic seminars and training to educate contractors and other professionals on the proper procedures for installation and maintenance of erosion and sediment control measures and related matters. Refer to the City of Hot Springs Best Management Practices manual for additional information.

Debris - Any material including floating woody materials and other trash, suspended sediment, or bed load, moved by a flowing stream.
Detention - The temporary detaining or storage of floodwater in reservoirs, on parking lots, on rooftops and other areas under predetermined and controlled conditions and accompanied by controlled release of the stored water.

Detention basin - An open excavation or depression in the ground surface used for temporary storage of stormwater prior to release downstream.

Detention pond - A stormwater detention facility which maintains a fixed minimum water elevation between runoff events except for the lowering resulting from losses of water due to infiltration or evaporation.

Detention/Retention maintenance plan - Pre and post construction maintenance is the responsibility of the owner or property owners association. Timing and methods must be described in the maintenance plan. Maintenance responsibilities include: sediment removal, outlet cleaning, mowing, herbicide spraying, litter control, and routine inspections. (Ord. No. 5628, §1(p), 1-8-08)

Develop land - To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

Developer – Any person or entity proposing building or land improvements.

Development – Any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity. Or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Development - Should generally mean any of the following actions undertaken by a public or private individual or entity:

(a) The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or

(b) Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.

Disturbed area – means an area that is altered as a result of clearing, grading, and/or excavation.

Drainage area – All land area that contributes runoff to the same discharge point.

Drainage basin – All land area contributing to a given discharge point in terms of drainage.
Drainage easement - Authorization by a property owner for use by another party or parties for all or any portion of his/her land for a drainage and adjoining utility purposes. Easements shall be dedicated to the city when required or approved by the Administrative Authority.

Drainage pipe – Drainage conduit, which carries storm water flows in either a closed storm water sewer system or culverts. RCP, CMP & HDPE are some common drainage pipes used throughout the state.

Duplex – Two housing units that share a common wall.

Easement - Shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Elevation or elevations – All required elevations shall be based on mean sea level datum.

Emergency Flood Insurance Program or emergency program - Means the program as implemented on an emergency basis in accordance with the NFIP. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Engineer – A person who is a registered professional engineer in the State of Arkansas.

Engineer of record - A registered professional engineer in Arkansas. This engineer shall supervise the design and construction of the development project and shall be acceptable to the City Engineer.

Erosion – the wearing away of land surfaces by the action of wind or water.

Erosion prevention - Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover and construction phasing.

Excavation - Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

Existing development – Buildings and other structures and impervious areas existing prior to ordinance adoption.

Existing structure – Means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date.
Fill - Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

Final stabilization - means that either:

(a) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 80% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed; or (Ord. No. 5628, §(q), 1-8-08)

(b) For individual lots in residential construction by either: (a) The homebuilder completing final stabilization as specified above, or (b) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization; or

(Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or

(c) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in (a) or (b) above.

Freeboard – The vertical clearance of the lowest structural member of the bridge superstructure above the water surface elevation of the overtopping flood; the vertical distance between the level of the water surface usually corresponding to the design flow and a point of interest such as levee top or specific location on the roadway grade.

General contractor - The party who signs the construction contract with the owner to construct the project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor will be the party responsible for managing the project on behalf of the owner. In some cases, the owner may be the general contractor. In these cases, the owner may contract an individual as the operator who would become the Co-Permittee.

Good housekeeping practice – a common practice related to the storage, use, or cleanup of materials performed in a manner that minimizes the discharge of pollutants. Examples include cleaning up spills and leaks and storing materials in a manner that will contain any leaks and spills.
Grading - Shall mean excavating, filling (including hydraulic fill), or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Household hazardous waste - A product that is discarded from a home or a similar source that is either ignitable, corrosive, reactive, or toxic (e.g. used motor oil, oil-based paint, auto batteries, gasoline, pesticides, etc.).

Illegal discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Ordinance.

Illegal/I illicit connections - An illicit connection is defined as either of the following:

(a) Any drain or conveyance, whether on the surface of subsurface, which allows illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including, sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

(b) Any drain or conveyance connected from and commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Impervious – a hard surface (such as a parking lot), which prevents or retards the entry of water into the soil, thus causing water to run off the surface in greater quantities and at an increased flow rate. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Infiltration – means the downward entry of water into the surface of the soil or the flow of a fluid through pores or small openings, commonly used in hydrology to denote the flow of water into soil material.

Legal authority – defined as the ability to impose and enforce statutes, ordinances, and regulations to require control of pollutant sources and regulate the discharge of pollutants to the storm drain system, and to enter into interagency agreements, contracts, and memorandums of understanding.

Litter - Waste that is improperly disposed of on the street, sidewalk, lakes and other bodies of water, and in the general environment.

Municipal separate storm sewer system (MS4) – conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a state, city, town, borough, county, parish, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes,
stormwater, or other wastes, including special districts under state law such as a sewer
district, flood control or drainage district, similar entity, and Indian tribe or an
authorized Indian tribal organization, or a designated and approved management agency
under Section 208 of the Clean Water Act that discharges to water of the United States.

_Natural waterways_ - Shall mean waterways that are part of the natural topography.
They usually maintain a continuous or seasonal flow during the year and are
characterized as being irregular in cross-section with a meandering course. Construction
channels such as drainage ditches shall not be considered natural waterways.

_New structure_ – Structures for which the start of construction commences on or after the
effective date of these regulations.

_Non-storm water discharge_ - Any discharge to the storm drain system that is not
composed entirely of storm water.

_Non-structural BMP_ – a best management practice that does not require construction of
a facility to control urban runoff.

_Notice of intent (NOI)_ - Application form for obtaining coverage under a General Storm
Water Permit for construction activities that disturbs one or more acres or for industrial
activities.

_Notice of termination_ – A notice to terminate coverage under this permit after
construction is complete, the site has undergone final stabilization, and maintenance
agreements for all permanent facilities have been established, in accordance with all
applicable conditions of this permit.

_NPDES_ – National Pollutant Discharge Elimination System initiated in 1972 by the
amendments to the Federal Water Pollution Control Act (the Clean Water Act or CWA)
to address the discharge of pollutants to navigable waters from point sources unless the
discharge is authorized by an NPDES permit. The Water Quality Act of 1987 added
section 402(p) to the CWA establishing phased and tiered requirements for stormwater
discharge under the NPDES program.

_Owner_ - The person or party possessing the title of the land on which the construction
activities will occur; or if the construction activity is for a lease holder, the party or
individual identified as the lease holder; or the contracting government agency
responsible for the construction activity.

_Permittee_ – A person, partnership or corporation to whom a permit is granted.

_Permittee_ - A person or persons, firm, or governmental agency or other institution that
signs the application submitted to AEDQ and is responsible for compliance with the
terms and conditions of this permit.
**Person responsible for the land distributing activity** - The person who has or represents having financial or operation control over the land disturbing activity; and/or the landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefitted from it or who has failed to comply with any provision of this ordinance.

**Point source** – pollution arising from a well-defined origin, such as a discharge from an industrial plant.

**Pollutant** – any introduced gas, liquid, or solid that makes a resource unfit for a specific purpose. A substance that pollutes air, water or land. They are defined in Section (502) of the federal Clean Water Act (33 U.S.C. ‘ 1362(6)). Specifically, pollutants that are carried by runoff from rainstorms or other watering activities. Examples of pollutants include but are not limited to the following:

(a) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

(b) Metals such as cadmium, lead, zinc, copper, silver, nickel, and chromium; and non-metals such as phosphorus and arsenic;

(c) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);

(d) Excessive eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna;

(e) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);

(f) Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus.

**Post-development** - Refers to the extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre- and post-development stormwater peak flows as required by the ordinance.

**Pre-developed conditions** - Those land use conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, or land use and rate, volume, or direction of stormwater runoff.

**Pre-development** - Refers to the extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land disturbing activity and in “good” condition as described in the Natural Resources Conservation Service Technical Release 55, Urban Hydrology for Small Watersheds” (commonly known as TR-55). This term is used to match pre- and post-development...
stormwater peak flows as required by the ordinance. In a situation where cumulative impervious surface created after the adoption of this ordinance exceeds the 20,000 sq. ft. threshold, the pre-development conditions shall be those prior to any land disturbance.

_Raingarden_ - (1) Shallow depressions designed to collect rain on the site – typically runoff from impervious surfaces such as roofs – and allow plants, bacteria and soils to clean the water as it seeps into the ground. (2) A strategically located low area planted with native vegetation that intercepts runoff. Other terms include mini-wetland, stormwater garden, water quality garden, stormwater marsh, backyard wetland or bioretention pond.

_Receiving water_ – rivers, lakes, oceans, or other bodies that receive runoff.

_Redevelopment_ – land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Where redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Existing single family structures are exempt from the redevelopment requirements.

_Municipal districts_ – are used for the administration of this ordinance. The city is divided into two (2) Municipal districts:

- District 1: Historic District
- District 2: Rural District

_Registered landscape architect_ - A landscape architect properly registered and licensed to conduct work within the State of Arkansas.

_Registered land surveyor_ - A land surveyor properly registered and licensed to conduct work within the State of Arkansas.

_Registered professional engineer_ - Shall mean a professional engineer properly registered and licensed to conduct work within the State of Arkansas.

_Regulatory floodway_ – The floodplain area that is reserved in an open manner by Federal, State of local requirements, i.e., unconfined or unobstructed either horizontally or vertically, to provide for the discharge of the base flood so that the cumulative increase in water surface elevation is no more than a designated amount (not to exceed 1 foot as established by the Federal Emergency Management Agency (FEMA) for administering the National Flood Insurance Program).

_Retention structure_ - A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.
Riparian buffer - A natural or vegetated area adjacent to streams and perennial water bodies through which stormwater flows in a diffuse manner, so that runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants. The riparian buffer is measured landward (horizontal distance) from the stream bank on both sides of the stream or from the normal pool elevation of a perennial water body.

Riverine – means relating to, formed by, or resembling a river (including tributaries), stream, book, etc.

Runoff – the portion of rainfall or irrigation water and other watering activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

Sediment – Fragmentary material that originates from weathering of rocks and is transported by, suspended in, or deposited by water.

Sediment - Solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth’s surface at a different site.

Sediment control - Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Stormwater – Water which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.

Stormwater management plan - The set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater as required by this Ordinance and the Stormwater Management Manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater management manual - The set of drainage policies, analysis methods, design charts, stormwater runoff methods, and design standards used by the City as the official design guidelines for drainage improvements consistent with this Ordinance. Any modifications will be made by the Administrative Authority consistent with the stated policies and intent of the Ordinance.

Stormwater Pollution Prevention Plan (SWPPP) – A plan designed to eliminate or reduce at the source the use, generation, or release of silts, toxic pollutants, hazardous substances, and hazardous wastes from entering storm waters.
Stormwater runoff - Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, which flows over the ground surface.

Stream – A body of running water.

Triple fee – Refers as to this ordinance as three (3) times the original cost of a permit which may be imposed on construction sites that have started land disturbance activities without approval or permits from the Administrative Authority. (Ord. No. 5628, §1(p), 1-8-08)

Urban forestry – (1) The management of trees for their contribution to the physiological, sociological, and economic well-being of urban society. Urban forestry deals with woodlands, groups of trees, and individual trees, where people live - it is multifaceted, for urban areas it includes a great variety of habitats (streets, parks, derelict corners, etc) where trees bestow a great variety of benefits and problems. (2) The art, science and technology of managing trees, forests, and natural systems in and around urban areas for the health and well being of communities.

Waters of the state - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. The definitions of certain words and phases as used throughout this ordinance are included in Appendix A hereof.

ARTICLE II. STORMWATER CONCEPT AND PLAN

15-13-1.3. Performance standards and design criteria.

(a) The City of Hot Springs Stormwater Management Manual, as adopted by this ordinance, shall be the source for design criteria and performance standards with respect to stormwater management.

(b) Stormwater concept and stormwater management plans and design reports that are incidental to the overall or ongoing site design shall be prepared and certified by an Engineer, Landscape Architect, or a Soil and Erosion Control Specialist with sufficient training and education in erosion control prevention and with approval by the Administration Authority. In addition, the person must verify that the plans have been designed in accordance with this ordinance and the standards and criteria stated or referred to in this ordinance. (Ord. No. 5628, §1(a), 1-8-08)
15-13-1.4. Stormwater management permit.

The stormwater management permit does not authorize:

(a) Discharges mixed with sources of non-stormwater unless the non-stormwater discharges are determined not to be a significant contributor of pollutants as defined in Part VII of the Arkansas General Permit No. ARR040000 to waters of the United States;

(b) Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(I)-(ix) and (xi), except as allowed under Part I.B.2.b;

(c) Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15), except as allowed under Part I.B.2.a;

(d) Stormwater discharges currently covered under an individual or other general NPDES permit;

(e) Stormwater discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat as defined by the U.S. Fish & Wildlife Services (USF&WS). [http://endangered.fws.gov/]

(f) Stormwater discharges or implementation of the stormwater management plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless you are in compliance with requirements of the National Historic Preservation Act and have coordinated any necessary activities to avoid or minimize impacts with the appropriate State Historic Preservation Officer;

(g) Stormwater discharges that will cause or contribute to non-attainment of water quality standards, including failure to protect and maintain existing designated uses of receiving waters. ADEQ may require an application for an individual NPDES permit to authorize discharges of stormwater from any activity that ADEQ determines to cause or makes a contribution to exceed a water quality standard or that ADEQ determines to cause or contribute to the loss of a designated use of receiving waters;

(h) Discharges to waters for which there is an approved Total Maximum Daily Load and/or implementation plan (TMDL/IP) addressing discharges of stormwater associated with MS4s, unless the MS4 operator develops and certifies a SWMP that is consistent with the assumptions and allocations in the approved TMDL/IP. To be eligible for coverage under this general permit, operators must incorporate into their SWMP any conditions applicable to their discharges necessary for consistency with the assumptions and allocations of the TMDL/IP within any time frames established in the TMDL/IP. If a specific numeric waste load allocation has been established that would apply to the project's discharges,
the operator must incorporate that allocation into its SWMP and implement necessary steps to meet that allocation. Information regarding existing and proposed TMDLs can be obtained from the Water Quality Section of the ADEQ Water Division at (501) 682-0660 or from the ADEQ website at the following address: http://www.adeq.state.ar.us/water/branch_planning/;

(i) Stormwater discharges which are prohibited for permitting in 40 CFR 122.4 of the federal regulation.

15-13-1.5. Stormwater submittal requirements.

(a) Large, Medium, and Small Construction Sites as described below are required to submit the following documents prior to any earth moving activities:

1. Stormwater Management Plan
2. Stormwater Pollution Prevention Plan (SWPPP)
3. Stormwater Detention/Retention Plan (includes maintenance plan)(Ord. No. 5628, §1(b), 1-8-08)
4. Stormwater Quality Plan
5. A copy of the approved ADEQ NPDES permit

(b) Special Construction Sites as described below are required to submit the following documents prior to any earth moving activities:

1. Post on-site (CHS) Stormwater Construction Notice (Ord. No. 5628, §1(c), 1-8-08)
2. Develop Stormwater Pollution Prevention Plan (SWPPP)
3. Submit copy of SWPPP to CHS prior to construction for review.
4. Use Best Management Practices (BMPs) to reduce runoff.
5. Maintain SWPPP on-site and inspect stormwater controls weekly.
6. Remove all unnecessary BMPs after final stabilization.
7. Maintain a solid waste dumpster located at the site to properly dispose of building materials and solid waste.

(c) Construction sites are defined as follows:

1. Large construction sites include any construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of five (5) or more acres of total land area.
(2) Small construction sites include any construction activity that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than or equal to one (1) acre and less than five (5) acres of total land area or less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more, but less than five (5) acres. Provided, however, that any new commercial construction site under (1) acre which includes construction activity that will result in the disturbance (e.g., clearing, grading, excavating, etc.) will meet the requirements of a small construction site.

(3) Special Construction Sites: Any construction activity that meets the following definition:

a. Any construction activity (e.g., clearing, grading, excavating, etc.) less than 1 acre of land with the potential to pollute, which is adjacent to any lake, stream, tributary, creek or other flowing body of water.

b. Road, pipeline, and utility maintenance activities are not regulated under this permit unless one or more acres of underlying and/or surrounding soil are cleared, graded or excavated as part of the operation.

c. Road, pipeline and utility maintenance activities are regulated when bordering lakes or streams under either the small, medium or large construction site category. (Ord. No. 5628, §1(d), 1-8-08)

15-13-1.6. Stormwater and urban runoff pollution control.

(a) Illegal dumping/disposal. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land in the city, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

(b) Disposal in storm sewer. No person shall intentionally dispose of grass, leaves, dirt, or other landscape debris into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(c) Illicit discharges and connections. No person shall cause any illicit discharge to enter the municipal stormwater system unless such discharge: (1) consists of non-stormwater that is authorized by an NPDES point source permit; or (2) is associated with fire fighting activities.
(d) Storage of materials, machinery and equipment. Objects, such as motor vehicles including parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff as is prohibited in areas identified by FEMA as designated floodplain areas identified as shown on current FEMA FIRM maps. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

(e) Removal of debris and residue. Debris and residue shall be removed, as noted below:

(1) All motor vehicle parking lots shall be swept, at a minimum of twice a year to remove debris. Such debris shall be collected and properly disposed. However, parking lots are not required to be swept for one month following a day on which precipitation of one-half inch or more occurs.

(2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through city collection programs or at any other appropriate disposal site and shall not be placed in a trash container.

(f) Non-stormwater discharges. All discharges covered by this permit shall be composed entirely of stormwater except the following non-stormwater discharges that are combined with stormwater may be authorized by this permit:

(1) Discharges from fire fighting activities; fire hydrant flushings; water used to wash vehicles (where detergents are not used) or control dust; potable water sources including uncontaminated waterline flushings; irrigation drainage; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate; uncontaminated springs; uncontaminated ground water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and uncontaminated excavations dewatering.

(2) Except as described in (f)(1) above, discharges of material other than stormwater must be in compliance with an individual NPDES permit issued for the discharge.

(g) Good housekeeping provisions. Any owner or occupant of property within the city shall comply with the following good housekeeping requirements:

(1) Discharges. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain system may occur. This section shall apply to both actual and potential discharges.
(2) Pools are not allowed to discharge chlorinated water into the stormwater system. Pool discharges should utilize a water filtering device if possible. (Ord. No. 5628, §1(e), 1-8-08)

(3) All large, medium, small and special construction sites must have solid waste dumpsters located at the site to properly dispose of building materials and solid waste.

(h) Construction site stormwater runoff control. Any owner, developer or occupant of property within the city shall install and maintain erosion and sediment controls during land disturbing activities (§15-13-1.4) in order to reduce pollutants from stormwater from entering waterways.

(i) Post-construction stormwater runoff control. Any owner, developer or occupant of property within the city shall install and maintain erosion and sediment controls during land disturbing activities (§15-13-1.4) from new development and redevelopment projects in order to reduce pollutants from stormwater from entering waterways.

(j) Runoff. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in community codes.


(a) To assist in the design and evaluation of stormwater management facilities in the City of Hot Springs, a Stormwater Management Manual is hereby adopted. This manual contains the submittal requirements for development within the City of Hot Springs. The required submittal documents prior to earthmoving activities within the City of Hot Springs, which are addressed in the manual, are:

(1) Stormwater Management Plan
(2) Stormwater Pollution Prevention Plan
(3) Detention/Retention Plan (includes maintenance plan) (Ord. No. 5628, §1(f), 1-8-08)
(4) Stormwater Quality Plan

(b) The City of Hot Springs will allow the use of the following software for the analysis of stormwater detention facilities: Pond 2, HEC-1, HEC-HMS or an acceptable equal approved by the Administrative Authority.

(c) Stormwater detention pond outlets shall be designed to limit the peak stormwater discharge rate of the 2-, 10-, 25-, 50-, and 100-year storm frequencies after development to pre-development rates. The principal outlet will be designed to safely convey the runoff resulting from a 25-year event chance storm. A second outlet, the emergency outlet, will be designed to safely convey the runoff resulting from a 100-year event storm.
(d) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage systems cannot tie into existing systems of lesser capacity. In other words, a larger pipe cannot discharge into a smaller pipe of lesser capacity.

15-13-1.8. Permits and fees required.

(a) A stormwater management permit will be required for construction site activities and those activities associated with excavation, filling, grading and removal of trees or surface vegetation unless otherwise exempt by this ordinance. The permit application and required submittal documents, when applicable, shall include a copy of the permit coverage for medium or large construction sites issued from the Arkansas Department of Environmental Quality (ADEQ). Approvals shall be secured per size of development from the City of Hot Springs and ADEQ, as applicable prior to starting any clearing or earth work. It is the developer's responsibility to determine if other permits are required and to secure them. (Ord. No. 5628, §1(g), 1-8-08)

(b) The following permit requirements must be met:

(1) No final occupancy permit shall be issued without the following:
   a. Recorded easements for stormwater management facilities.
   b. Receipt of an as-built plan which includes a certification of the storm drainage system.

(2) No site grading permit shall be issued or modified without the following:
   a. Right of entry for emergency maintenance, if necessary.
   b. Right of entry for inspections.
   c. Any off-site easements needed.
   d. An approved stormwater management plan.

(c) The approved stormwater management plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the stormwater management plan or previously approved revisions. Any and all site grading permits may be revoked at any time if the construction of stormwater management facilities is not in strict accordance with approved plans.

(d) In addition to the plans and permits required from the city, applicants shall obtain all state and federal permits for the proposed development. The applicant shall also be responsible for determining the existence and limits of any wetlands and/or floodways as may be applicable, and be responsible for securing permits and approvals from the U.S. Army Corps of Engineers and Federal Emergency Management Agency as required.
(e) Permit fees. The permit and rates associated with the implementation of this ordinance will be based on the disturbance for more than 4,000 square feet of land as stated in this ordinance. Such fees shall be established by resolution of the Board of Directors.

(f) Triple fees. A triple fee penalty may be imposed on the original cost of the permit if land disturbance activities occur prior to receiving approval from the Administrative Authority. (Ord. No. 5628, §1(h), 1-8-08)


(a) Any land disturbing activity with the potential to pollute less than 1 acre within 100 feet of a stream or a lake is not exempt from this ordinance. (Ord. No. 5628, §1(i), 1-8-08)

(b) The following activities are exempt from requirements of this ordinance:

(1) Land use for agricultural purpose.

(2) Land where timber extraction takes place, provided that it is to be re-seeded as timber land.

(3) Construction activity on an area less than 1 acre that is not adjacent to a stream or lake and not for commercial use.

(4) Reserved. (Ord. No. 5628, §1(j), 1-8-08)

(5) One commercial or industrial project built on an individual lot that is part of a larger subdivision that has been issued an approved drainage control permit when the proposed project is demonstrated to be in compliance with the overall subdivision drainage permit.

(6) Existing commercial and industrial structures where additional structural improvements are less than 500 square feet.

(7) Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

(8) Any activity directly related to the planting, growing and harvesting of agricultural crops.

(9) Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms or other hazards.

15-13-1.10. Permit conditions, application and processing.

(A) Permit conditions - Each permit issued shall be subject to the following conditions:

(1) Area. The development, including associated construction, shall be conducted only within the area specified in the approved permit.
(2) Execution. Activities requiring a stormwater management permit shall not commence until the permit is in the possession of the permittee. The approved permit shall be on file with the Administrative Authority and a copy on file with the contractor at the project site, and available for review and inspection upon request.

a. The plan shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained in perpetuity.

b. The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.

c. Application for a permit shall constitute express permission by the permittee and landowner for the local approval authority to enter the property for purposes of inspection or curative action. The application form shall contain a prominent provision advising the applicant and landowner of this requirement.

d. All incidental mud-tracking off-site onto adjacent thoroughfares shall be cleaned up and removed by the end of each working day using proper disposal methods.

(3) Inspections. A schedule of inspections to be carried out during the construction phase of permitting shall be established by the Administrative Authority as a condition to the permit.

a. Application for a permit under this ordinance shall constitute permission by the applicant and landowner for the local approval authority to enter upon the property and inspect during the construction phase prior to the inspections pursuant to paragraphs (4) and (5), as necessary to confirm compliance with the requirements of this ordinance.

b. Applicant and landowner for the local approval authority to enter upon the property and inspect during the construction phase prior to the inspections as necessary to confirm compliance with the requirement of this ordinance.

c. As part of the plan approval process, the Administrative Authority shall determine the minimum number of inspections required to assure compliance. The site of any regulated land disturbing activity should be inspected once every 30 days, or more frequently as determined by the Administrative Authority during the construction phase.

d. The permittee shall notify the Administrative Authority before construction activity begins. (Ord. No. 5628, §1(l), 1-8-08)
e. The Administrative Authority shall inspect the property to verify compliance with the erosion control plan within 10 days of notification of soil stabilization.

(4) Duration.

a. Unless revoked or otherwise modified, the duration of a stormwater management permit issued pursuant to this chapter shall be one year.

b. If the permitted project discharge structure is not completed prior to expiration, the stormwater management permit duration can be extended to cover the project duration subject to approval of the Administrative Authority.

(5) Maintenance. Maintenance activities, as specified in the approved maintenance plan, shall be executed routinely, with scheduled reporting documents kept current, stored on the project site, and available for review and inspection upon request.

(6) Modifications. If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the Administrative Authority shall be notified. For revisions resulting in a schedule extension of more than 30 days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required by the Administrative Authority.

(7) Transfer. No transfer, assignment or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the Administrative Authority.

(8) Special. Any additional special conditions, as deemed appropriate by the Administrative Authority, shall be established to address specific project needs or circumstances.

(B) Permit application. A storm water permit application shall be submitted to the Administrative Authority using appropriate forms as provided. A permit application shall contain sufficient information and plans to allow the Administrative Authority to determine whether the project complies with the requirements of this ordinance. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the Stormwater Management Manual and this Ordinance.

(c) Approval process.

(1) The Administrative Authority shall verify that the permit application is complete and in accordance with this ordinance.

(2) Within the time frame set by the Administrative Authority, plan review staff shall either approve the submitted plan or notify the applicant of any deficiencies.
(3) The Administrative Authority shall notify the applicant in writing of any deficiency in the proposed plan and the applicant shall be given an opportunity to correct any deficiency.

(4) Upon approval of the Administrative Authority, the stormwater management permit shall be issued by the Administrative Authority after the applicant has met all other requirements of this ordinance.

ARTICLE III. MAINTENANCE, CONSTRUCTION AND INSPECTION

15-13-1.11. Public and private maintenance responsibilities under the stormwater management system.

(a) Owner inspections and maintenance. The owner shall be responsible for inspections and maintenance on the site.

(1) Inspections and maintenance must be documented and readily available for review. Inspections are required as follows:

a. Once every 7 days on exposed soil areas.

b. Within 24 hours after a one-half inch rain event over 24 hours.

c. Once every 30 days on stabilized areas.

d. As soon as runoff occurs or prior to resuming construction on frozen ground.

(2) Maintenance is required as follows:

a. When sediment reaches ½ the height of the BMP on perimeter control devices, sediment must be removed within 48 hours.

b. If the perimeter control device is not functional it must be repaired or replaced within 48 hours. (Ord. No. 5628, §1(m), 1-8-08)

c. Temporary sediment basins shall be maintained when sediment reaches ½ the outlet height or ½ the basin storage volume. Basin must be drained or sediment removed within 72 hours.

d. Construction site vehicle entrance and exit locations sediment must be removed from paved surfaces within 24 hours of discovery.

e. Immediate maintenance may be required by the Administrative Authority if the conditions of the site are a public hazard or has the potential to cause environmental damage or pollution. (Ord. No. 5628, §1(m), 1-8-08)
(b) Public responsibilities:

(1) Administration - Administration of these regulations shall be by the Administrative Authority, who shall review to determine approval, disapproval or modification of stormwater management plans as provided herein.

(2) All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by a formal letter from the Administrative Authority.

(3) Operation and maintenance of publicly-owned facilities - The Administrative Authority shall be responsible after written approval and acceptance for the operation and maintenance of all drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

(c) Private responsibilities:

(1) Each developer of land within the corporate limits of the city has a responsibility to provide on the developer’s property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer’s property both during and after construction of such facilities.

(2) Each developer, owner or property owners association has a responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants.

(3) All private systems not dedicated to the city shall have adequate easement to permit the Administrative Authority to inspect and, if necessary, to take corrective action should the responsible entity fail to properly maintain the system.

(4) All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed.

(5) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage systems cannot tie into existing systems of lesser capacity. In other words, a larger pipe cannot discharge into a smaller pipe of lesser capacity. See Article II, Section 4 for detention plan requirements.

(d) Maintenance Agreement (privately-owned facilities only):
(1) A proposed inspection and maintenance agreement shall be submitted to the Administrative Authority for all private on-site stormwater discharge control facilities prior to the approval of the stormwater management plan. Such agreement shall be in a form and content acceptable to the Administrative Authority and shall be the responsibility of the private owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the city at reasonable times for regular inspection by the Administrative Authority. This agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:

a. Use of homeowner associations;
b. Arrangements to pay the city for maintenance;
c. Private maintenance by development owner(s), or contracts with private maintenance companies.

(2) All maintenance agreements shall contain or uphold, without limitation, the following provisions:

a. A description of the property on which the stormwater management facility is located and all easements from the site to the facility;
b. Size and configuration of the facility;
c. A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair and maintain access to the facility;
d. A statement that each lot served by the facility is responsible for repairs and maintenance of the facility and any unpaid ad valorem taxes, public assessments for improvements, and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees, costs and expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the facility and any successive buyer. The association shall have the power to levy assessments for these obligations, and that all unpaid assessments levied by the association shall become a lien on the individual parcel;
e. All stormwater facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance;
f. All settled materials from ponds, sumps, grit chambers and other devices, including settled solids, shall be removed and properly disposed of as needed to insure the proper functioning of the stormwater facility as per its design capacity.


Inspections will be performed by the Administrative Authority on a regular basis during construction to ensure that the stormwater management plan measures are properly installed and maintained. The Administrative Authority shall inspect all stormwater facilities during the first year of operation, and at least once every five years thereafter. In all cases the inspectors will attempt to work with the applicant or developer to maintain proper stormwater management.


(a) Maintenance agreement. A maintenance agreement approved by the Administrative Authority assuring perpetual maintenance of stormwater management improvements shall be agreed upon by the Administrative Authority and the applicant.

(b) Maintenance of detention ponds (wet type) shall be the responsibility of the owner of record and/or the property owners' association.

(c) Maintenance of detention basins (dry type) shall be the responsibility of the owner of record and/or property owners' association. The owner of record and/or property owners' association shall be responsible for all other maintenance, plantings, reseeding, or resodding. The owner shall also be responsible for removing and replacing any landscaping, playground equipment or other facilities within the basin.

(d) Maintenance bond. A one year maintenance bond against defects in workmanship shall be required by the Administrative Authority for any portion of the stormwater management improvements dedicated to the public, said maintenance bond to be provided by cashier's check, irrevocable letter of credit or acceptable surety authorized to do business in the State of Arkansas. All forms of maintenance bonds shall be subject to approval by the Administrative Authority and the City Attorney. The value of bond shall be an amount equal to 100% of the value of the stormwater system improvements.

ARTICLE IV. MISCELLANEOUS PROVISIONS


(a) Variances from requirements.

(1) The Administrative Authority may grant on a case-by-case basis a variance from the requirements of this ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and not fulfill the intent of the ordinance.
(2) An applicant may include in the application a request for a variance. No variance shall be granted unless applicant demonstrates and the Administrative Authority finds that all of the following conditions are present:

   a. Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner.
   
   b. The hardship is due to exceptional physical conditions unique to the property.
   
   c. Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance.
   
   d. The project will have no adverse impact upon any of the stated purposes of this ordinance.
   
   e. The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property.
   
   f. The net cumulative effect of the variance will not impact downstream conditions.
   
   g. Existing regional facilities are shown to meet the performance standards of this ordinance.

(3) If all of the conditions of paragraph (2) are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship with primary consideration given to water quality.

(4) The content of a variance shall be specific and shall not affect other approved provisions of a SWPPP.

(5) Economic hardship is not sufficient reason for granting a variance.

(6) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for the granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

(7) Any substantial variance from the stormwater management plan shall be referred to all agencies which reviewed the original plan.
Appeals.

(1) Any person aggrieved by a decision of the Administrative Authority (including any decision with reference to the granting or denial of a variance from the terms of this ordinance) may appeal same by filing a written notice of appeal with the Administrative Authority within thirty (30) calendar days of the issuance of said decision by the Administrative Authority. The Administrative Authority can then reverse his/her decision or send this notice to the Board of Directors with comments. A notice of appeal shall state the specific reasons why the decision of the Administrative Authority should be reconsidered and the Administrative Authority shall prepare and send to the Board of Directors and Appellant, with fifteen (15) days of receipt of the notice of appeal, a written response to said notice of appeal.

(2) All such appeals shall be heard by the Board of Directors which is hereby granted specific authority to hear and determine such appeals in a quasi-judicial capacity. Said appeal shall be heard by the Board of Directors at its next regularly scheduled meeting date, not to exceed thirty (30) days after receipt of the notice of appeal, or at such other time as may be mutually agreed upon in writing by the Appellant and the Chairperson of the Board of Directors. The Board of Directors will then render a decision within fifteen (15) days after the appeal has been heard.

(3) The Board of Directors may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.

(4) The concurring vote of a majority of the Board of Directors shall be necessary to reverse the decision of the Administrative Authority.

(5) Each party to the appeal shall be entitled to a hearing before the Board of Directors under judicial forms of procedure, at which hearing each party shall have the right to present evidence and sworn testimony of witnesses, to cross-examine witnesses, and to cause a transcription of the proceeding to be prepared.

(6) Should either party be dissatisfied with the decision of the Board of Directors, any appeal of said decision may be appealed to a court of competent jurisdiction in accordance with the laws of Garland County and the State of Arkansas.

15-13-1.15. Alternative methods.

(a) Alternatives to on-site detention. Where on-site detention is deemed inappropriate due to local topographical or other physical conditions, alternate methods for accommodating increases in stormwater runoff may at the Administrative Authority’s discretion be considered. The methods may include:

(1) Off-site detention or comparable drainage improvements.
(2) In-lieu monetary contributions to be specifically used for channel or drainage system improvements, or off-site detention improvements by the city within the same watershed. Channel improvements shall only be used if they are an integral part of a detailed watershed study.

(b) In-lieu contributions to regional or sub-regional detention. An owner or developer may contribute to the construction of a regional or sub-regional detention site constructed or to be constructed in lieu of constructing on-site detention. However, no in-lieu contributions are allowed when existing flooding occurs downstream from the development, or if the development will cause downstream flooding.

(c) In-lieu fees. The in-lieu fee contribution shall be based upon an amount of $10,000 per-acre-foot of stormwater storage.

(d) Watershed facility improvement funds. In-lieu contributions paid to the city shall be budgeted by contributing to a “Watershed Facility Improvement Fund.” Said funds shall be appropriated only for planning, design and construction for correction of existent drainage problems within the watershed from which the contribution is generated.

(e) Regional or sub-regional detention sites. The acquisition of regional or sub-regional detention sites and construction of facilities thereon will be financed by the city. Monies contributed by the owners as above provided shall be used for regional and sub-regional detention site studies, land acquisition and facility construction thereof in the watershed in which the development is located.

(f) Watershed boundaries. The boundaries of watersheds and priority in construction of detention facilities and drainage improvement construction shall be as established by the Administrative Authority and approved by the Board of Directors.


(a) Violations and penalties. A site grading permit may be suspended or revoked by the Administrative Authority if one or more of the following violations have been committed:

(1) Violation(s) of the conditions of the stormwater management plan approval.
(2) Construction not in accordance with the intent of the approved plans.
(3) Non-compliance with correction notice(s) or stop work order(s).
(4) The existence of an immediate danger in a downstream area in the judgement of the Administrative Authority.

(b) If one or more of these conditions is found, a written notice of violation(s) shall be served upon the owner or authorized representative and an immediate stop-work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately and completed within 7 working days of original notification or the owner shall be deemed in violation of this ordinance.
(c) The City Attorney may institute injunctive, mandamus, or other action or proceedings at law or equity for the enforcement of this ordinance or to correct violations of this ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(d) It shall be a violation of this ordinance for any owner, operator or contractor to commence any soil disturbance activity that requires permit coverage without prior approval from the Administrative Authority. Failure to obtain approval may result in enforcement fees, citations, court cost and/or fines. (Ord. No. 5628, §1(n), 1-8-08)

(e) Enforcement/Stop work order. Whenever the Administrative Authority finds any noncompliance with the provisions of this ordinance, the Administrative Authority shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available or if that person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property including, but not limited to, off-site run-off, the Administrative Authority shall post in a conspicuous place on the premises, a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.

(f) The stop work order shall provide the following information: Date of issuance, project name and permit number and reason for issuance and the signature of the inspector that issues the order.

(g) It shall be a violation of the ordinance for the unauthorized removal of the stop work order from the premises when posted on the project site.

(h) In addition to posting a stop work order, the local approval authority shall provide notification to the owner or contractor by personal service, written notice by certified mail, or facsimile transmission. The permittee, landowner and contractor shall have 72 hours from the time and date of notification by the Administrative Authority to correct any noncompliance with the plan.

(i) Inspection. The Administrative Authority shall be responsible for determining whether the stormwater management plan is in conformance with the requirements specified by the city’s Stormwater Management Manual. Also, the Administrative Authority shall be responsible for determining whether the development site is proceeding in accordance with the approved drainage plan. Periodic inspection of the development site shall be made the Administrative Authority. Through such periodic inspections, the Administrative Authority shall ensure that the stormwater management plan is properly implemented and that the improvements are maintained.

(j) Remedial work. If it is determined through inspection that the development is not proceeding in accordance with the approved stormwater management plan and drainage and/or building permit, the Administrative Authority shall immediately issue written notice to the permittee concerning the alleged noncompliance, accompanied by documentary evidence demonstrating noncompliance and specifying what remedial work is necessary to bring the project into compliance. The permittee, upon notification, shall immediately, unless weather conditions
or other factors beyond the control of the permittee prevent immediate remedial action, commence the recommended remedial action and shall complete the remedial work within 72 hours or within a reasonable time as determined in advance by the Administrative Authority. Upon satisfactory completion of remedial work, the Administrative Authority shall issue a notice of compliance and the development may proceed.

(k) Enforcement fee. Where code enforcement action is needed to bring a site into compliance with the Clean Water Act, fees will be charged to the permit holder and or the property owner. The enforcement fee shall be established by resolution of the Board of Directors.

15-13-1.17. 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.

15-13-1.18. Conflict resolution and interpretation.

(a) Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) Conflict with other laws. Whenever the provision of this ordinance impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail.


(a) The performance standards and design criteria set forth herein and in the Stormwater Management Manual establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the city or its officers and employees of the adequacy or safety of any stormwater management structure or use of the land. Nor shall the approval of the stormwater management plan imply that the land uses that are permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations, therefore, shall not create liability on the part of the city or any officer or employee with respect to any legislative or administrative decision lawfully made hereunder.

(b) Neither approval of a plan under the provisions of this ordinance nor the compliance with the provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law.
15-13-1.20 Amendments.

For the purpose of providing for the public health, safety and general welfare, the Board of Directors may, from time to time, amend the provisions of these regulations. This ordinance may be amended in the manner as prescribed by law for its original adoption. Before the Board of Directors considers an amendment to this ordinance, it must seek the advice of the Administrative Authority who will make a recommendation for each amendment within thirty (30) days of this request.

15-13-2 Pre-existing projects.

Any applicant or owner of a parcel of land within the jurisdiction of the City of Hot Springs who has constructed a required stormwater management facility or who is in the application process shall be held to the requirements in effect at the time the permit was approved.

15-13-3 Severability.

The provisions of this ordinance are severable. If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be found invalid or unenforceable, the remainder of this ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this ordinance shall be valid and be enforced to the fullest extent permitted by law. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application found to be unlawful or invalid.

(Ord. No. 5378, §§ 1-3, 9-6-05)
DIVISION II. STORMWATER FEES

ARTICLE I. PERMIT FEE SCHEDULE


The following fee schedule is hereby adopted:

STORMWATER MANAGEMENT ORDINANCE FEE SCHEDULE

(a) Permit Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family dwelling or part of larger common plan</td>
<td>$25.00</td>
</tr>
<tr>
<td>Multiple family dwelling (4 units or less)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Multiple family dwelling (5 units or more)</td>
<td>$250.00</td>
</tr>
<tr>
<td>Commercial &amp; industrial buildings:</td>
<td></td>
</tr>
<tr>
<td>(Less than 10,000 sq. ft.)</td>
<td>$100.00</td>
</tr>
<tr>
<td>(10,000 sq. ft. or larger)</td>
<td>$250.00</td>
</tr>
<tr>
<td>Commercial &amp; industrial building additions:</td>
<td></td>
</tr>
<tr>
<td>(Less than 10,000 sq. ft.)</td>
<td>$50.00</td>
</tr>
<tr>
<td>(10,000 sq. ft. or larger)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Parking lots (Less than 4,000 sq. ft.)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Parking lots (4,000 sq. ft. - 9,999 sq. ft.)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Parking lots (10,000 sq. ft. or more)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Subdivisions (up to 5 lots)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Subdivisions (6 to 12 lots)</td>
<td>$200.00</td>
</tr>
<tr>
<td>Subdivisions (13 or more lots)</td>
<td>$400.00</td>
</tr>
<tr>
<td>Land disturbance only (1 to 5 acres)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Land disturbance only (more than 5 acres)</td>
<td>$150.00</td>
</tr>
<tr>
<td>Any activity with the potential to pollute (adjacent to a water body)</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

(b) Enforcement Fees.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration Enforcement fee for monitoring and processing violation compliance (1 hr. minimum)</td>
<td>$50.00/hr.</td>
</tr>
<tr>
<td>Street Sweeper (minimum)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Other equipment or action (minimum)</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Triple Fee Penalty (Triple the original cost of the stormwater permit for starting construction before permitting if the site was required to meet compliance with stormwater requirements).

(Res. No. 6826, §1, 4-7-08)

Editor's note - §15-13-4 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.
ARTICLE II. STORMWATER UTILITY FUND


There is hereby created a fund to be entitled the “Stormwater Utility Fund” and all revenues generated by or on behalf of the stormwater drainage utility fees shall be deposited in said Stormwater Utility Fund and shall be used exclusively for the operation of the City of Hot Springs Stormwater Management Program and other storm-related equipment, construction, materials, supplies or services, including, but not limited to, storm-related disaster recovery and emergency preparedness provided to the community.

15-13-5.2. Stormwater utility fee.

From and after the effective date of this ordinance, there shall be added to each municipal utility account (water, wastewater and/or sanitation), within the corporate limits of the city, a stormwater utility fee as follows:

(a) City Commercial and industrial accounts .... $ 6.00 per month; and

(b) City Residential accounts ... $ 3.00 per month.


For purposes of billing and collection, the stormwater utility fee shall be considered a municipal utility fee and shall be billed and collected in the same manner and subject to the same procedures as all other municipal utilities (water, wastewater and sanitation) pursuant to the Uniform Municipal Utility Billing Procedure Ordinance.

15-13-5.4. Effective date.

The stormwater utility fee, authorized in §15-13-5.2 hereof, shall be effective on all municipal utility bills rendered from and after March 1, 2008.

(Ord. No. 5629, §1-4, 1-8-08)
DIVISION III. HOT SPRINGS CREEK TUNNEL REGULATIONS


The following regulations are hereby adopted and shall govern the location, installation and maintenance of certain facilities located within the Hot Springs Creek Tunnel.


This Ordinance shall be known and cited as the Hot Springs Creek Tunnel Regulations.

15-13-6.2. Purpose and scope.

The primary purpose of the Hot Springs Creek Tunnel is to provide stormwater drainage and flood control. In this regard, no facilities, utility lines, structures or obstacles of any kind or nature whatsoever shall be placed within the tunnel except as permitted by this ordinance. This ordinance shall govern the location, installation and maintenance of all facilities permitted to be located within the tunnel. Any thermal water collection lines and facilities as installed and maintained by the National Park Service and within that portion of the tunnel within the federally exclusive jurisdiction and boundary of Hot Springs National Park are hereby exempt from the requirements of this ordinance.

15-13-6.3. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Administrative authority: such employees of the city as designated by the city manager with the authority and responsibility to administer this ordinance.

Applicant: the person, firm or corporation submitting a permit application pursuant to the provisions of this ordinance.

City: the municipal corporation known as the City of Hot Springs, Arkansas. The words “the city” or “this city” shall be construed as if the words “of Hot Springs, Arkansas” follow and shall extend to and include its several officers, board of directors, agents and employees.

City engineer: the employee of the city designated by the city manager as the city engineer or acting in the capacity of the city engineer.

Permittee: the person, firm or corporation to whom a permit has been issued pursuant to the requirements of this ordinance and who has installed facilities within the tunnel.

Facilities: such piping, lines, supports and materials installed, or proposed to be installed, within the tunnel for provision of a given utility.
Tunnel: that portion of Hot Springs Creek and its tributaries as contained within and flowing through man-made structures, located within public rights-of-way and private and public property commencing on Park Avenue (east branch - 1560 feet in length) and Whittington Avenue (west branch – 750 feet in length), and following underneath and adjacent to Central Avenue, Malvern Avenue and Broadway Street and terminating in the 100 block of Broadway Terrace (4,620 feet in length) and including a tributary within the Fountain Street right-of-way approximately 504 feet in length running northeast from Central Avenue.

Utility: the piping, lines, supports and ancillary equipment of such public and private utilities (natural gas, telephone, electricity, water, wastewater and thermal water) that may now or hereinafter exist within the tunnel.

Utility company or Owner: such person, firm or corporation as may own, maintain or otherwise be responsible for facilities placed within the tunnel.

15-13-6.4. Permit applications.

Any applicant desiring to place facilities within the tunnel, access the tunnel for repairs, maintenance, or inspection or otherwise enter the tunnel shall make application with the administrative authority on such forms as may be prescribed by the administrative authority. The application forms for tunnel access shall include the following information together with such other information as the administrative authority may require including name and contact information for all persons to be entering the tunnel, the purpose of their entry and the expected duration. Applications for placement of new facilities or replacement of existing facilities shall, in addition, include such information as the administrative authority shall deem necessary to ascertain the purpose of the facilities and compliance with the requirements of this ordinance.

15-13-6.5. Access notification required.

Any person entering the tunnel, for any purpose whatsoever, shall obtain a confined space entry permit from the Hot Springs Fire Department not less than twenty-four (24) hours prior to entering the tunnel. On the date of entry, the permit holder shall notify the fire department not less than one hour prior to their anticipated entry time. The permit holder will state the number of persons entering the tunnel and the anticipated duration of each entry. The permit holder shall notify the fire department immediately upon exiting the tunnel. If the entry includes any sections within the federally exclusive jurisdiction and boundary of Hot Springs National Park, such person(s) shall also notify the Superintendent of Hot Springs National Park. The administrative authority shall provide copies of any construction permit applications to the Fire Department and Superintendent of Hot Springs National Park when entry is anticipated.


A construction permit, issued by the administrative authority, shall be obtained prior to constructing, repairing, or otherwise placing or maintaining any facilities within the tunnel or entering the tunnel for any purpose. All construction, maintenance or repair commenced pursuant to a construction permit shall be accomplished in accordance with the requirements of this ordinance. Should the administrative authority detect any construction deficiencies, the owner shall be given a reasonable time to correct such deficiencies. Failure to do so will result in the removal of any deficient facilities from the tunnel by the city.
15-13-6.7. Other permits.

The applicant shall, in addition, obtain such other permits and authorizations as may be required for activities within the boundary of Hot Springs National Park.


Once facilities are constructed and installed by the owner and inspected and approved as meeting the requirements of this ordinance by the administrative authority, a permanent facility permit shall be granted. Facilities may not be located or maintained within the tunnel without a valid facility permit issued by the administrative authority. A permitted facility is hereby considered to be conditional from year-to-year and, therefore, subject to annual renewal and inspection by the administrative authority. The administrative authority shall maintain a record of all such facility permits on such forms and in such manner as the administrative authority may prescribe. It is the permittee’s responsibility to keep their contact and permit information current.


All facilities shall be maintained in good working order by the owner at all times. The administrative authority shall inspect the tunnel not less than annually and shall provide to the owner a “notice of repair” if any deficiencies are found. The owner shall accomplish all required repairs within ninety (90) days of such notification. Failure to make necessary repairs will result in such facilities being declared abandoned and subject to removal by the city.

15-13-6.10. Additional facilities.

Additional facilities shall not be added to the tunnel unless an existing facility is removed or utilized for such additional facility. Provided, however, additional facilities may be permitted in the main tunnel and tributary branches after the tunnel capacity has been determined by the city engineer to have available capacity and the installation thereof is approved by the board of directors.


The following materials and construction methods shall apply to all facilities placed within the tunnel after the effective date of this ordinance.

(a) Facility materials shall be of a type that will not promote additional maintenance due to excessive corrosion or calcification of pipe cross sectional area as approved by the city engineer. Prohibited pipe materials are black steel, clay, concrete, and any other material not approved by the city engineer.

(b) Thermal water utility pipe shall have the minimum necessary thermal insulation, when needed, with a hard continuous smooth cover with no loose joints that could inhibit the stormwater flow and with the ability to stay intact under stormwater conditions as approved by the city engineer for permitted use.
(c) Facility attachments to the tunnel wall should be located in a manner that does not block any stormwater pipe outfall into the tunnel, provides the least obstruction to stormwater flow with no protruding pipe hangers and a solid connection to the upper tunnel wall section as approved by the city engineer.

(d) Facility attachments may be located in the tunnel arch section against reinforced concrete material but not attached to the stone-arched sections.

(e) All facilities shall have the smallest cross section area as possible to serve the intended use.


Any facilities determined by the administrative authority to be abandoned may be removed by the city not less than thirty (30) days after issuance of a “notice of removal.” For purposes of this section, abandoned facilities includes the following:

(a) any facility determined as not being in active service for a period of one year or longer; or

(b) any facility which is not repaired within ninety (90) days after a “notification to repair” has been issued by the administrative authority; or

(c) any facility for which the annual permit has not been renewed within three months of the expiration thereof.


Any persons entering the tunnel must be properly trained in the safety procedures of working in an underground environment, defined by OSHA as a “confined space” or in the company of such duly trained person(s).


Facilities existing within the tunnel prior to the effective date of this ordinance (pre-existing facilities) shall be inspected and granted a facility permit. The owners of such facilities shall be notified of any needed repairs. Such repairs shall be made within ninety (90) days of such notification, or such facilities shall be considered abandoned. Pre-existing facilities will not be required to meet the material standards as required by the ordinance except and unless such facilities are replaced. Pre-existing facilities shall otherwise be subject to the provisions of this ordinance.


All notices as required herein shall be in writing to the address of record on the facility permit. Notice of repair shall be by regular first-class mail. Notice of removal shall be by certified mail, return receipt requested. Should written notice not be accepted or otherwise accomplished by mail, a legal notice shall be placed in a newspaper of general circulation.

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 of the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(Ord. No. 5683, §1, 10-7-08)