

**CITY OF CENTERTON**

**ORDINANCE 2023-47**

**AN ORDINANCE AMENDING CHAPTER 11  
BUILDING AND CONSTRUCTION OF THE CITY  
OF CENTERTON MUNICIPAL CODE**

**WHEREAS**, the citizens of Centerton, Arkansas, will be better served by amending Chapter 11 Building and Construction to the City of Centerton Municipal Code,

**NOW, THEREFORE**, be it ordained by the City Council of the City of Centerton, Arkansas:

Section 1: That Chapter 11 Building and Construction of the Centerton Municipal Code is hereby amended to read as follows:

Chapters:

- 11.04 Building Code
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Building Permits
- 11.28 Additional Building Regulations
- 11.32 Separated Multi-tenant Buildings
- 11.36 Twin Homes/Townhouses
- 11.40 Swimming Pools
- Appendix

**CHAPTER 11.04**

**BUILDING CODE**

Sections:

- 11.04.01 Adoption of Building Code
- 11.04.02 Applicability
- 11.04.03 Waiver
- 11.04.04 Amendment, alteration or repeal
- 11.04.05 Penalties

**11.04.01 Adoption of Building Code** That certain Building Codes known as the Arkansas Fire Prevention Code, 2021-Edition, Volume 1, Fire, Based on the 2021-International Fire Code, APPENDIX B, C, D, E, F, G, H, I, J, K, L, M, N, And O, or most current edition, Arkansas Fire Prevention code, 2021 Edition, Volume II, Building, Based on the 2021 International Building Code, or most current edition, Arkansas Fire Prevention Code, 2021 Edition, Volume III, Residential, Based on the 2021 International Residential Code, or most current edition, the Life Safety Code 101- 2018 Edition, or most current edition, the American National Standard – Accessible and Usable Buildings and Facilities – 2003, Arkansas Energy Code 2014 Supplement to 2009 International Energy Conservation Code, or most current edition are made a part of this ordinance by reference and shall extend over and govern the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of all buildings and structures within the City of Centerton, Arkansas.

**11.04.02 Applicability** The provisions of these codes and ordinance shall be applicable to any buildings in the city of Centerton, except those previously constructed, without a specific act of the City Council of the city of Centerton, Arkansas.

**11.04.03 Waiver** The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships.

**11.04.04 Amendment, alteration or repeal** The City Council of the city of Centerton shall have the right to change, modify and repeal any part of this ordinance and code in accordance with the laws of the state of Arkansas.

**11.04.05 Penalties** Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine not greater than the sum of Five Hundred Dollars (\$500.00) for any one specified offense or violation of such ordinance, or double that sum for each repetition of such offense or violation. If the thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this ordinance, shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.

## **CHAPTER 11.08**

### **PLUMBING CODE**

#### **Sections:**

11.08.01	Definitions
11.08.02	Plumbing Code
11.08.03	Cross-connections; backflow
11.08.04	applicability
11.08.05	Waiver
11.08.06	Amendment, alteration or repeal
11.08.07	Penalties

**11.08.01 Definitions** Plumbing for the purposes of this chapter is hereby defined as the definitions of Act 200 of 1951 as amended, and the Arkansas State Plumbing Code – 2018 Edition, or most current edition, and the Arkansas Fuel Gas Code 2018 Edition, or most current edition.

**11.08.02 Plumbing Code** That certain Plumbing Code known as the Arkansas Plumbing code -2018 Edition, or most current edition, Arkansas Fuel Gas Code – 2018 Edition, or most current edition is made a part of this ordinance by reference and shall extend over and govern the construction, alteration, removal and maintenance of plumbing and apparatus within the City of Centerton, Arkansas.

#### **11.08.03 Cross-connections; backflow**

- A. The city of Centerton, acting through the city of Centerton Department of Building Safety, is hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas Plumbing Code – 2018 Edition, or most current edition, and the regulations of the Arkansas State Board of Health having not been complied with.
  
- B. The city of Centerton, acting through the city of Centerton Department of Building Safety, is hereby authorized to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply. Upon determining said potential hazard, it shall be the duty of the city of Centerton Department of Building Safety to immediately cause notice to go to the owner, or such other person responsible for said premises, specifying said hazard and

notifying said person that in the event said hazards are not corrected within thirty (30) days from the date of said notice all water services shall be discontinued thereafter until the requirements of the Arkansas Plumbing Code – 2018 Edition, or most current edition, and the regulations of the Arkansas State Board of Health have been complied with.

**11.08.04 Applicability** The provisions of this code and ordinance shall be applicable to any buildings in the city of Centerton presently under construction without a specific act of the City Council of the city of Centerton, Arkansas.

**11.08.05 Waiver** The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships.

**11.08.06 Amendment, alteration or repeal** The City Council of the city of Centerton shall have the right to change, modify and repeal any part of this ordinance and code in accordance with the laws of this state of Arkansas.

**11.08.07 Penalties** Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine not greater than the sum of Five Hundred Dollars (\$500.00) for any one specified offense or violation of such ordinance, or double that sum for each repetition of such offense or violation. If the thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this ordinance, shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.

## **CHAPTER 11.12**

### **ELECTRICAL CODE**

#### **Sections:**

- 11.12.01 Adoption of Electrical Code
- 11.12.02 Applicability
- 11.12.03 Waiver
- 11.12.04 Amendment, alteration or repeal
- 11.12.05 Penalties

**11.12.01 Adoption of Electrical Code** That certain Electric Code known as NFPA 70: National Electrical Code, NEC 2020, or most current edition, are made a part of this ordinance by reference and shall extend over and govern the construction, alteration, removal and maintenance of electrical wiring and apparatus within the City of Centerton, Arkansas.

**11.12.02 Applicability** The provisions of this code and ordinance shall be applicable to any buildings in the city of Centerton, except those previously constructed, without a specific act of the City Council of the city of Centerton, Arkansas.

**11.12.03 Waiver** The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships.

**11.12.04 Amendment, alteration or repeal** The City council of the city of Centerton shall have the right to change, modify and repeal any part of this ordinance and code in accordance with the laws of the state of Arkansas.

**11.12.05 Penalties** Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine not greater than the sum of Five Hundred Dollars (\$500.00) for any one specified offense or violation or such ordinance, or double that sum for each repetition of such offense or violation. If the thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this ordinance, shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.

## **CHAPTER 11.16**

### **MECHANICAL CODE**

**Sections:**

11.16.01	Adoption
11.16.03	Variances
11.16.04	Inspection
11.16.05	Amendment
11.16.06	Penalties

**11.16.01 Adoption** The International Mechanical Code 2021 Edition, or most current edition, is hereby adopted by reference as the Mechanical Code for the city of Centerton, Arkansas.

**11.16.03 Variances** The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially those causes wherein code requirements could create undue or unfair hardships.

**11.16.04 Inspection** It shall be the duty of the Department of Building Safety to enforce all provisions of the code and this ordinance and to insure compliance with all provisions of the code as herein adopted. In order to carry out the duties and responsibilities of the Department of Building Safety, building Officials are hereby granted the authority to enter upon all premises and improvements located thereon within the corporate limits of the city of Centerton, Arkansas. If the Department of Building Safety, when performing their duties herein established, determines that any work methods, materials and/or standards do not comply with the provisions of the code and this ordinance or that the persons performing the work do not hold the requisite permits or license, he shall immediately cause notice to be served on the person, firm or corporation performing such work and the owner, developer and/or general contractor to cease any further work in that particular area, or the entire project, if deemed appropriate, until such time as the non-compliance is corrected, as specified in the notice.

**11.16.05 Amendment** The City Council shall have the right to amend, modify or repeal all or any part of this ordinance and the code in accordance with the laws of the state of Arkansas.

**11.16.06 Penalties** Violations of the provisions of this ordinance shall be deemed a misdemeanor and any person, firm or corporation, guilty of any such violation shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and each day during which a violation continues shall constitute a separate offense and the fine for such continuing violation shall be not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00).

## **CHAPTER 11.20**

### **BUILDING PERMITS**

**Sections:**

- |          |                     |
|----------|---------------------|
| 11.20.01 | Building permits    |
| 11.20.02 | Application         |
| 11.20.03 | Fees                |
| 11.20.04 | Issuance of permits |

- 11.20.05 Building inspection
- 11.20.06 Penalty

**11.20.01 Building permits** The owner of any land situated within the incorporated limits of the city of Centerton shall neither construct nor allow construction or placement, on such land, of any building or structure of a type set forth in sub-paragraphs A through D below, without having obtained a building permit from the city of Centerton for such construction. The aforementioned permit will likewise be required in event of remodeling or repair of such structures.

- A. Single family residence and related outbuildings.
- B. Multiple family residence and related outbuildings.
- C. Any building in which, or from which, any business, commercial enterprise, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.
- D. Any Work requiring permits as stipulated by adopted codes.

**11.20.02 Application** The application for any building permit required by ordinances shall be submitted to the Department of Building Safety and shall contain as a minimum the following.

- A. Permit Applications to be submitted via digital format emailed or on a USB (thumb) Drive (NO DISCS). Permit application shall also include building plans and a site plan.
- B. Permit Application Form – See Appendix Exhibit Application 1.1 - 1.2

**11.20.03 Fees**

- A. Building permit fee schedule: The city of Centerton determines the valuation of a structure using the ICC (International Code Council) Building Valuation Data Table. The table is updated every six (6) months. Once the valuation is determined the following table is used to calculate permit fees. A copy of the ICC Table can be found at [www.iccsafe.org](http://www.iccsafe.org). The current Schedule B will be attached hereto as an appendix and included as a part of this ordinance.
- B. Building Permit Fee Schedule 2019
  - 1. \$1,000.00 or Less – No fee unless and inspection is required, in which case, the Single Phase of construction or miscellaneous inspection fee shall apply.

2. \$1,000.01 up to \$50,000.00 - \$50.00 for the first \$1,000.00 Plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
3. \$50,000.01 up to \$100,000.00 - \$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
4. \$100,000.01 up to \$500,000.00 - \$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
5. \$500,000.01 and Up - \$1660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.
6. Electrical, Mechanical, and Plumbing Fees shall be paid in addition with building permits by General Contractor, Owner or Applicant according to fee schedule as stated:

Electrical, Mechanical, Plumbing	Per Trade	Total Per Unit/Dwelling
0 – 1500 sq. ft	\$100.00	\$300.00
1501 – 2000 sq. ft	\$115.00	\$345.00
2001 – 3000 sq. ft	\$130.00	\$390.00
3001 – or more sq. ft	\$155.00	\$465.00

C. Commercial Electrical Fees

1. Bid / Valuation Amount \$0.00 up to \$10,000.00 x 0.01 =
2. Bid / Valuation Amount \$10,000.01 - \$20,000.00 x 0.005 =
3. Bid / Valuation Amount \$20,000.01 – or more x 0.0025 =
4. Base Fee - \$50.00
5. Education Fee – Bid / Valuation Amount x \$0.0005 =

D. Commercial Mechanical Fees

1. Base Fee - \$50.00
2. Bid / Valuation Amount x \$0.005 =
3. Education Fee – Bid / Valuation Amount x \$0.0005 =

E. Commercial Plumbing Fees

1. Base Fee \$50.00
2. Fixtures (bathtub, lavatory, etc.) \$3.00 each
3. Yard Lines (water, sewer, gas, etc.) \$7.00 each
4. In-house Water and Drainage Piping \$7.00 each

F. Miscellaneous Fees



1. Education fee (Commercial Projects only) – Valuation Cost of project x \$0.005
2. Demolition Fee - \$100.00 with a cleanup deposit of \$500.00. Requires a 20-yard minimum dumpster on site.
3. House Moving / Manufactured Fee – \$100.00 with a cleanup deposit of \$500.00. Shall provide proof of Arkansas DOT Permit. Requires a 20-yard minimum dumpster on site.
4. Tent / Fireworks Stand, Haunted House, etc. Fee - \$50.00
5. Swimming Pool Fee - \$200.00
6. Storm Shelter Fee - \$0.00 (Site Plan and Permit shall be required)
7. Backflow Prevention / RPZ Fee - \$50.00
8. Miscellaneous / Single Phase Construction Fee - \$50.00
9. Permit Renewal Fee / Extension - \$50.00
10. Reinspection Fees - \$50.00
11. Clean up Completion Deposit fee – Completion deposit is required in the amount of \$500.00 for Demolition, House Moving, etc. This deposit shall be refunded upon completion of work; whereas no unsanitary, unsightly, trash or health hazard to public exists. If such conditions exist, then deposit shall be forfeited and the city can do as deemed necessary by law to insure site is cleaned up.
12. Certificate of Occupancy Deposit / Completion Deposit – May accompany building permit if deemed necessary by Department of Building Safety. Each Completion Deposit shall be equal to 50 percent of the total building permit fee. This deposit shall be refunded upon issuance of a Certificate of Occupancy for the building. If occupancy has taken place prior to Certificate of Occupancy issuance, then deposit shall be forfeited.

G. All building permit fees non-refundable No building permit fee (including Electrical, Mechanical, Plumbing, etc.) shall be refunded by the city once collected regardless of whether or not construction has taken place.

H. All New Residential Construction Fees for Electrical, Mechanical, Plumbing shall be paid in full by General Contractor/Applicant of Building Permit. All fees shall be paid prior to the release of Building Permit.

- I. Applicability The provisions of this code and ordinance shall be applicable to any buildings in the city of Centerton presently under construction without a specific act of the City Council of the city of Centerton, Arkansas.
- J. Waiver The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships.

**11.20.04 Issuance of permits** Department of Building Safety shall review plans for compliance. Any building permit issued will remain valid only for a period of one hundred eighty (180) days from the date of its issuance.

- A. No building permits or associated permits shall be issued for any structures until such time the property upon which the structure is to be constructed shall have first been approved by City of Centerton with a Final Plat recorded at Benton County recorder's office, thereby having platted legal descriptions and 911 addressed by Centerton Fire Chief or designee. Permits may not be issued due to issues within the subdivision/property identified by Building Safety such as existing hazards, unsafe conditions (dirt piles, debris, etc.), soil compaction testing, issues that may be detrimental should permits be issued.

**11.20.05 Building inspection**

- A. The Department of Building Safety will require a twenty-four (24) hour advance notice of inspection to be made, and in some instances, forty-eight (48) hours during times of increased construction. All inspection requests are scheduled through via the Web Portal in BSA software.
- B. Required inspection is as follows: Not all are listed
  1. Foundations: to be made after trenches are excavated, forms erected and reinforced steel is in place. Reinforced steel (rebar) is required for all foundations, regardless of Engineer Designs without reinforced steel.  
See Appendix – Exhibit Diagram 1.1
  2. Slabs: for the structures on slabs, inspections will be as follows: under-slab plumbing inspected. Slab inspection will be conducted when reinforcement wire and visqueen are in place. Visqueen and wire is to be lapped at the joints at least six (6) inches.
  3. Framing: framing inspection will be done when framing is complete, electrical rough-in is complete, plumbing top out is complete, and heat and air system is installed (just prior to insulation). Do not insulate until these inspections have been conducted and approved.

4. Yard Lines: when trenches are excavated and underground utilities, such as water, sewer, gas, electric, etc. are in place. Do not cover until inspection is conducted and approved.
5. Final: to be done when building is complete prior to occupancy. Building is not to be occupied until final inspection is completed and occupancy permit is issued.

**11.20.06 Penalty** Where construction, which a permit is required by this ordinance, is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed.

## **CHAPTER 11.28**

### **ADDITIONAL BUILDING REGULATIONS**

**Sections:**

- |          |                                 |
|----------|---------------------------------|
| 11.28.01 | Additional Building Code        |
| 11.28.02 | Applicability                   |
| 11.28.03 | Waiver                          |
| 11.28.04 | Amendment, alteration or repeal |
| 11.28.05 | Penalties                       |

**11.28.01 Additional Building Code** That certain additional standards are deemed necessary relating to construction and maintenance of buildings within the corporate limits of the city of Centerton.

- A. **Carbon Monoxide Detectors** Carbon monoxide detectors shall be located and installed in all residential buildings, on every floor level, per manufacturer installation instructions and approval from city of Centerton Department of Building Safety. Carbon monoxide detectors shall also be located and installed in commercial facilities where deemed necessary by the Department of Building Safety and/or Fire Chief or designee of the city of Centerton. CO detectors shall be hard wired by electrician and/or hard wired to the alarm system. To be determined by Centerton Fire Chief or designee, which shall be done. Where an existing facility does not have carbon monoxide alarms and is deemed necessary by Fire Chief or designee, carbon monoxide detectors shall be installed per Fire Chief or designee per this section.

- B. Slabs/Crawlspaces "Slabs/Crawlspaces," shall refer to foundation/floor that a structure will rest upon. All slabs shall have vapor barrier and wire mesh installed and approved by the city of Centerton Department of Building Safety.
- C. Dryer Vents All dryer vents shall be installed above slab through wall or through the roof of the structure meeting International Mechanical Code 2021 or most current edition requirements and approved by the city of Centerton Department of Building Safety. Absolutely no PVC piping shall be connected nor used for a dryer vent or allowed under the slab for dryer vent. No Dryer Vent shall be allowed under slab.
- D. Address Posted All owners, contractors, and developers of lots or other real property within the city limits of the city of Centerton shall have a 911 emergency address sign posted before permanent electric services are approved. Address shall be clear and visible from street and meet requirements as set forth in section 9.08.06, E,F,G.
- E. Exit Signs/Emergency Egress Lighting All Exit Signs/Emergency Egress Lighting shall be on their own electrical circuit and shall have a circuit breaker lock.
- F. Fire Department Connections (FDC) FDCs shall be remote with:
- A. 5X4 Storz FDC with 30\* bend with 5" cap
  - B. Height of 36" min./48" max.
  - C. 4" galvanized pipe
  - D. 6" thick X 24" square concrete pad
  - E. Ball drip valve in horizontal plane. Provide 90\* elbow facing down to prevent debris from entering discharge side of valve.
  - F. 4" underground pipe with #10 solid strand tracer wire taped to top of pipe every 10'.
  - G. Concrete thrust block on compacted earth under elbow.
  - H. Be within 50' of a fire hydrant.
  - I. FDC Cut Sheet - See Appendix Exhibit 2.1
- G. Expanding Foam Expanding Foam (rated or non-rated) shall not be used in any rated assembly.

**11.28.02 Applicability** The provisions of these codes and ordinance shall be applicable to any buildings in the city of Centerton, except those previously constructed, without a specific act of the City Council of the city of Centerton, Arkansas.

**11.28.03 Waiver** The City Council may, for just cause, specifically waive certain requirements of this code and ordinance after specific study, especially in those cases wherein code requirements could create undue or unfair hardships.

**11.28.04 Amendment, alteration or repeal** The City Council of the city of Centerton shall have the right to change, modify and repeal any part of this ordinance and code in accordance with the laws of the state of Arkansas.

**11.28.05 Penalties** Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine not greater than the sum of Five Hundred Dollars (\$500.00) for any one specified offense or violation of such ordinance, or double that sum for each repetition of such offense or violation. If the thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this ordinance, shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.

## **CHAPTER 11.32** **Separated Multi-tenant Buildings**

- 11.32.01 Purpose and Intent
- 11.32.02 Definitions
- 11.32.03 General Requirements

**11.32.01 Purpose and Intent** It is the purpose of this section to provide a minimum level of separation for separated multi-tenant buildings that are not equipped throughout with an approved automatic fire sprinkler system. This section is intended to apply to new construction. Existing buildings will be reviewed by the authority having jurisdiction on a case-by-case basis. It is not the intent of this section to reduce or take away from any other requirements of the Arkansas Fire Prevention Code volumes I and II.

### **11.32.02 Definitions**

**Demising wall-** Boundary that separates one tenant's space from the other.

**Fire Barrier-** A fire-resistance-rated wall assembly of materials designed to restrict the spread of fire in which continuity is maintained.

**11.32.03 General Requirements** All demising walls in new separated multi-tenant buildings henceforth are required to have as a minimum a UL listed 2-hour fire barrier. Demising walls in existing separated multi-tenant buildings being remodeled/renovated will be evaluated by the authority having jurisdiction to determine the fire-resistance rating required.

## **Chapter 11.36**

### **Twin Homes/Townhouse**

Sections:

11.36.01	Definitions
11.36.02	Design
11.36.03	Continuity
11.36.04	Parapets
11.36.05	Parapet Construction
11.36.06	Structural Independence
11.36.07	Twin Home/Townhouse
11.36.08	Supporting Construction
11.36.09	Dwelling Unit Rated Penetrations
11.36.10	Through Penetrations
11.36.11	Fire-Resistance-Rated Assembly
11.36.12	Penetration Firestop System
11.36.13	Membrane Penetrations

**11.36.01 Definitions.** Twin Home - A single family dwelling unit constructed in a group of two (2) attached units under one roof, (not to exceed 2), in which each unit extends from foundation to roof, located on two individual lots and with a yard or public way on at least two (2) sides of ten (10) feet or more. Each twin home shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Table 11.36.02.1 for exterior walls.

Townhouse – A building that contains three (3) or more attached *townhouse units*.

Townhouse Unit – A single-family dwelling unit in a *townhouse* that extends from foundation to roof and that has a yard or public way on not less than two (2) sides of ten (10) feet or more.

Townhouse/Twin Home/Duplex dwelling units shall each have independent utilities (gas, electric, water service, sewer service, etc.) to each separate unit. These utilities shall not penetrate rated assemblies separating the units, vertical or horizontal.

**11.36.02 Designs.** A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL263 is permitted for twin home/townhouse if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with NFPA70/NEC2017 or most current edition. Penetrations of electrical outlet boxes shall be in accordance with Section 11.36.09. An automatic sprinkler system shall be installed in accordance with NFPA 13D in twin homes and townhouses.

**11.36.03 Continuity.** The fire-resistance-rated wall or assembly separating twin home/townhouse shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

**TABLE 11.36.02.1  
EXTERIOR WALLS**

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	Fire-resistance rated	2 hour – tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	2 hour on the underside	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Opening in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R 302.4	< 5 feet
		None required	5 feet

**11.36.04 Parapets.** Parapets constructed in accordance with Section 11.36.05 shall be constructed for twin home/townhouse as an extension of exterior walls or common walls in accordance with the following:

- A. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.
- B. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall extend not less than 30 inches (762mm) above the lower roof surface.

**Exception:** A parapet is not required in the two cases above when the roof is covered with a minimum class C roof covering, and the roof decking or sheathing is of noncombustible materials or approved fire-retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of 5/8-inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by a minimum of nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet (1219 mm) on each side of the wall or walls and there are no openings or penetrations in the roof within 4 feet (1219 mm) of the common walls.

- C. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

**11.36.05 Parapet construction.** Parapets shall have the same fire-resistance rating as that required for the supporting wall or walls. On any side adjacent to a roof surface, the parapet shall have noncombustible faces for the uppermost 18 inches (457 mm), to include counterflashing and coping materials. Where the roof slopes toward a parapet at slopes greater than 2 units vertical in 12 units horizontal (16.7-percent slope), the parapet shall extend to the same height as any portion of the roof within a distance of 3 feet (914 mm), but in no case shall the height be less than 30 inches (762 mm).

**11.36.06 Structural independence.** Each individual twin home/townhouse shall be structurally independent.

**Exceptions:**

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.



3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.

**11.36.07 Twin home/Townhouse.** Twin home/Townhouse shall be separated from each other by wall and/or floor assemblies having not less than a 1-hour fire-resistance rating when tested in accordance with ASTM E 119 or UL263. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

**11.36.08 Supporting construction.** When floor assemblies are required to be fire-resistance rated by Section R302.3, the supporting construction of such assemblies shall have equal or greater fire- resistance rating.

**11.36.09 Dwelling unit rated penetrations.** Penetrations of wall or floor/ceiling assemblies required to be fire-resistance rated in accordance with Section 11.36.01 or 11.36.07 shall be protected in accordance with this section.

**11.36.10 Through penetrations.** Through penetrations of fire-resistance-rated wall or floor assemblies shall comply with Section 11.36.11 or 11.36.12.

**Exception:** Where the penetrating items are steel, ferrous or copper pipes, tubes or conduits, the annular space shall be protected as follows:

1. In concrete or masonry wall or floor assemblies, concrete, grout or mortar shall be permitted where installed to the full thickness of the wall or floor assembly or the thickness required to maintain the fire-resistance rating, provided:
  - a. The nominal diameter of the penetrating item is a maximum of 6 inches (152 mm); and
  - b. The area of the opening through the wall does not exceed 144 square inches (92 900 mm<sup>2</sup>).
2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E 119 or UL 263 time temperature fire conditions under a minimum positive pressure differential of 0.01 inch of water (3 Pa) at the location of the penetration for the time period equivalent to the fire-resistance rating of the construction penetrated.

**11.36.11 Fire-resistance-rated assembly.** Penetrations shall be installed as tested in the approved fire resistance-rated assembly.

**11.36.12 Penetration firestop system.** Penetrations shall be protected by an approved penetration firestop system installed as tested in accordance with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch of water (3 Pa) and shall have an F rating of not less than the required fire-resistance rating of the wall or floor/ceiling assembly penetrated.

**11.36.13 Membrane penetrations.** Membrane penetrations shall comply with Section 11.36.10. Where walls are required to have a fire-resistance rating, recessed fixtures shall be installed so that the required fire-resistance rating will not be reduced.

**Exceptions:**

1. Membrane penetrations of maximum 2-hour fire resistance-rated walls and partitions by steel electrical boxes that do not exceed 16 square inches (0.0103 m<sup>2</sup>) in area provided the aggregate area of the openings through the membrane does not exceed 100 square inches (0.0645 m<sup>2</sup>) in any 100 square feet (9.29 m<sup>2</sup>) of wall area. The annular space between the wall membrane and the box shall not exceed 1/8 inch (3.1 mm). Such boxes on opposite sides of the wall shall be separated by one of the following:
  - a. By a horizontal distance of not less than 24 inches (610 mm) where the wall or partition is constructed with individual noncommunicating stud cavities;
  - b. By a horizontal distance of not less than the depth of the wall cavity when the wall cavity is filled with cellulose loose-fill, rockwool or slag mineral wool insulation;
  - c. By solid fire blocking in accordance with Table 11.36.02.01
  - d. By protecting both boxes with listed putty pads; or
  - e. By other listed materials and methods.
2. Membrane penetrations by listed electrical boxes of any materials provided the boxes have been tested for use in fire-resistance-rated assemblies and are installed in accordance with the instructions included in the listing. The annular space between the wall membrane and the box shall not exceed 1/8 inch (3.1 mm) unless listed otherwise. Such boxes on opposite sides of the wall shall be separated by one of the following:
  - a. By the horizontal distance specified in the listing of the electrical boxes;
  - b. By solid fire blocking in accordance with Table 11.36.02.01;
  - c. By protecting both boxes with listed putty pads; or

- d. By other listed materials and methods.
3. The annular space created by the penetration of a fire sprinkler provided it is covered by metal escutcheon plate.

## **Chapter 11.40** **Swimming Pools**

### **Sections:**

11.40.01	Provisions
11.40.02	In-Ground Swimming Pool Barrier
11.40.03	Above Ground Swimming Pool Barrier
11.40.04	Gates
11.40.05	Inspections
11.40.06	Fees
11.40.07	Penalties

**11.40.01 Provision.** The provisions of this section shall apply to design of barriers to all swimming pools. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such swimming pools.

**11.40.02 In-Ground Swimming Pool Barrier** All outdoor in-ground swimming pools shall be surrounded by a barrier. When Hot Tubs (in-ground/below grade) are within the confines of a pool, 11.40 shall be applicable as well.

- A. The top of barrier shall be not less than 48 inches above grade. Such height shall exist around the entire perimeter of the swimming pool.
- B. Openings in the barrier shall not allow passage of a 4-inch diameter sphere.
- C. Shall submit site plan for swimming pool, barrier and septic with lateral lines with swimming pool application.
- D. Swimming pool fences and gates are required to have a minimum height of four (4) feet and a maximum height of eight (8) feet. Additionally, gates must have child-resistant latches.

**11.40.03 Above Ground Swimming Pool Barrier.**

- A. An above ground pool wall, itself, shall be permitted to be the barrier where the pool structure is on grade and the wall is above grade for the entire perimeter of the pool.
- B. Where the mean of access is a ladder or steps, the ladder or steps shall be capable of being secure, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the requirements of section 11.40.02.

**11.40.04 Gates.** Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from swimming pool and shall be self-closing and have a self-latching device.

**11.40.05 Inspections** Requirements:

- A. Application shall require a plan review minimum of two weeks. A site plan is required for location pool and meets all requirements according to Appendix Exhibit 1.2 Site Plan.
- B. Pre-Site visit – for barrier, pool layout marked, utility locates marked, septic locates marked.
- C. Electrical Bonding – pool bonding, deck bonding and equipment bonding per NEC 2017 requirements.
- D. Plumbing – gas pressure, gas yard line and gas service per APC 2006 or most current edition.
- E. Scheduling Inspections – shall use online web portal for inspection requests.

**11.40.05 Fees.** Swimming Pool fees are as follows:

- A. Swimming Pool permit fee \$200.00 (not to include electric or plumbing permits)
- B. Completion Deposit for fence barrier \$1000.00. Fees to be paid prior to swimming pool permit issuance.
  - 1. If a perimeter fence is pre-existing and in compliance with section 11.40.02 It is exempt from \$1000.00 completion deposit (B).
  - 2. A perimeter (privacy) fence meeting section 11.40.02, shall be installed prior to release of pool permit and prior to any construction. An opening is allowed for access of equipment to construct pool. Completion deposit applicable. (B) required.

3. If a perimeter fence is to be installed only around pool and not perimeter (privacy) then, completion deposit required prior to release of permits and construction.

**11.40.06 Penalties.**

- A. If water is placed in pool prior to barrier installation, then completion deposit is surrendered to the City of Centerton. Fines assessment still applicable.
- B. Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine not greater than the sum of Five Hundred Dollars (\$500.00) for any one specified offense or violation of such ordinance, or double that sum for each repetition of such offense or violation. If the thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this ordinance, shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.