TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

11.04 Building Code
11.08 Fire Prevention Code
11.12 Logging Operations
11.16 Energy Code

CHAPTER 11.04

BUILDING CODE

Sections:

11.04.01 Adoption of Building Code
11.04.02 Exceptions to Building Code
11.04.03 Completion of exterior
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11.04.11 Adoption of Uniform Code for the Abatement of Dangerous Buildings
11.04.12 Area
11.04.13 Earthquake preparedness requirements
11.04.14 Accessory buildings
11.04.15 Outdoor wood-burning furnaces

11.04.01 Adoption of Building Code There is hereby adopted by the city the International Building Code Congress International as and for the purpose of establishing rules and regulations for the construction, alterations, repair, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures, including permits and penalties. Not less than three (3) copies of this code shall be filed in the office of the Recorder/Treasurer and the same are hereby adopted as if set out in length herein. The provisions of this code shall be considered the minimum standards. (Ord. No. 91-4, Sec. 1)

11.04.02 Exceptions to Building Code The following exceptions are made to the Uniform Building Code:

A. In Sections 301, 302 and 303, the "Building Commission" shall replace the "Building Official" regarding the procedures set out in these sections including submission of plans, approval and issuance of permits, except for construction valued at under One Thousand Dollars ($1,000.00) in which case the Building Official can issue building permits.

B. The following fee shall apply to the issuance of building permits:

Estimated value	Permit fee	Inspection fee
$.00 to 999.00	$12.00	$10.00
1,000 to 4,999.00	$25.00	$10.00
5,000 to 9,999.00	$40.00	$10.00
10,000 to 24,999.99	$85.00	$20.00
25,000 to 49,999.99	$120.00	$20.00
50,000 t0 99,999.00	$220.00	$40.00
+$15 per 10,000 over 99,999.00		$50.00

(Ord. No. 2015-2, Sec. 1.)

1. Permits shall be valid for one (1) year but may be renewed for an additional six (6) months with Commission approval. The above schedule of fees shall not apply to mobile homes nor shall the fee for mobile homes be computed on a footage basis. The charge for installing a mobile home shall be Seventy-Five Dollars ($75.00) and for removing it will be Ten Dollars ($10.00). (Ord. No. 98-2, Sec. 1)

2. In addition to the above fees to be charged, there shall be collected a refundable deposit of Two Hundred Dollars ($200.00) for all building permits issued that involve the removal of roofing material. Said deposit will be refunded only upon receipt showing proof that the material has been deposited in a licensed landfill. (Ord. No. 2006-3, Sec. 1.)

3. For each re-inspection for correction of violations and/or if installation is not ready for requested inspection, the fee shall be Ten Dollars ($10.00).

4. Work for which a permit is required by the code is started or proceeded with, prior to obtaining said permit or other approvals required by ordinance, the fee herein and elsewhere in the code of ordinances specified

shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this code and all applicable in the execution of the work, nor from any other penalties prescribed herein.

5. With the exception of mobile homes, the moving of any building or structure off its current location will require a permit. The person or business moving the building or structure will be liable for any damages caused by the move, including, but not limited to damages to city roads. The mover must also obtain any necessary highway permits, if required.

6. The demolition of any building or structures will require a permit and a deposit of One Hundred Dollars ($100.00) to be refunded upon completion of the final inspection.

7. The permits required by this section must be obtained prior to any work being done. Failure to obtain a permit prior to beginning work will result in a penalty of Twenty-Five Dollars ($25.00) for each day the work if done without a permit being obtained. This penalty may be waived if it is the first time the person or business has performed work in the city and a permit was obtained as soon as the person or business found out that a permit was required.

8. In addition to the above fees to be charged for all building permits issued, there shall be collected a refundable deposit of Twenty-Five Dollars ($25.00). Said deposit will be refunded upon completion of the final inspection. It will be the responsibility of the contractor or property owner to schedule the final inspection. (Ord. No. 2015-2, Sec. 2.)

C. Section 303 (b) is deleted.

D. Section 304 (d) regarding the time and items of inspection is deleted and the following inspections shall apply:

1. Foundation: Footing, wall, poured and slab written proof of termite treatment shall be provided prior to advancement to next stage of construction.

2. Rough: Interior walls open, plumbing electrical, heatalator and flue pipe.

3. Final: Structural complete, electrical complete, plumbing complete and heating and air conditioning.

E.

1. A building permit shall not be required when the work involved is for repairs or alterations that do not include any electrical wiring, plumbing or structural changes to an existing building or structure.(Ord.No.80-1,Sec.1)
2. The installation of Rigid PVC Siding and soffit shall comply with the latest edition of Standard D475-96 issued by the American Society for Testing and Materials. Should there be any conflict between this standard and the manufacturer's written instructions, the latter shall govern. Other siding soffits, such as aluminum or steel, are to be installed according to the manufacturer's latest instructions. A building permit is required.

F. The schedule for building permits based on valuation shall be compared to a fee calculated by multiplying the total square footage of the proposed construction by Fourteen Cents ($.14) per square foot of living space plus garage or carport, (excluding basements, porches and decks). The greater of calculated fees shall prevail. (Ord. No. 98-2 Sec. 1)

G.

1. Applications to the City Building Permit Committee for the issuance of a permit 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 to the Secretary of State of the state of Arkansas pursuant to the provisions of Act 839 of the Acts of Arkansas of 1987, as the same may be amended from time t time, and a statement of such applicant that such Certificate of Registration is in full force and effect. (Ord. No. 93-9, Sec. 1)
2. The requirements of this ordinance shall be deemed to be independent of the requirements of any other ordinance for the issuance of permits for such construction. (Ord. No. 93-9, Sec. 2)

11.04.03 Completion of exterior The exterior, including rough grading, for any residence, shall be completed within six (6) months from the date of issuance of a building permit.

11.04.04 Quorum Three (3) members of the Horseshoe Bend Building Commission shall constitute a quorum for the purpose of issuing building permits and provided further that if only two (2) members can be present, the Building Official, the Mayor or designee, may act as a third member and when so acting shall constitute a quorum of the Commission. (Ord. No. 2015-2, Sec. 3.)

11.04.05 Enforcement The City Building Official shall function as the Code Enforcement Officer for inspections and enforcement as provided in the code. The Building Official shall not be connected in any way with any person directly or indirectly engaged in the business of construction or sale of plumbing or electrical supplies.

It shall be the duty of the Building Inspector to inspect and test all work for compliance with the Code, but provided that no warranties or representations should be relied on by third party based upon the city's inspections.

11.04.06 Street Openings. (1) All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from trenches shall be removed or placed where the least inconvenience to the public will be caused.

(2) All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalk clean and in perfect repairs.

(3) All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to persons or property.

(4) Before any opening is made in the pavement of the streets of the city person desiring to make the opening shall deposit with the city a sum of not less than Ten Dollars ($10.00), and in addition thereto, shall deposit with the city a sum of money to be determined by the Building commission to cover the necessary expenses incurred by the city in repairing said pavement and restoring it to its former condition. After the plumbing work has been completed and the hole refilled, all excess rubbish and material shall be removed, leaving the street or sidewalk clean.

11.04.07 Adoption of State Mobile Home Code. Also there is hereby adopted the rules and regulations of the State for installation of mobile homes adopted January 1, 1976 and any amendments thereto. Not less than three (3) copies of this code are filed in the office of the city recorder/treasurer and the same are hereby adopted as if set out in length herein. If the Mobile Home Code is amended, updated, or revised by the State Mobile Home Code, said amendment shall automatically constitute an amendment to this chapter. The Building Commission shall use the Arkansas State Mobile Home Code for regulating standards. (Ord. No. 98-16, Sec. 1.)

11.04.08 Adoption of State Plumbing Code. (1) The provisions of the Arkansas State Plumbing Code, 1971 edition and amendments thereto, adopted by the State Board of Health are hereby made a part of this chapter by reference, three (3) certified copies of which shall be on file in the office of the city recorder/treasurer, and shall extend over and govern the installation of all plumbing installed, altered or repaired that is connected to the water and updated, or revised by the State Board of Health, then said amendment shall automatically constitute an amendment to this chapter. The Building Commission shall use the Ark.State Plumbing Code.(Ord. No. 98-16)

(2) With respect to septic systems the Code is modified to require 4" (inside diameter), schedule 40 ABS plastic pipe or 411 (inside diameter) cast iron pipe between building and septic tank and distribution box. Clean-out shall be provided in such pipe not

less than three (3) feet from the building. Where plastic pipe or cast iron pipe enters septic tanks, it shall be sealed and shall not extend into the septic tank more than six (6) inches. (Ord. No. 79-01, Sec. 1)

(3) In addition to the State Plumbing Code and Health Department regulations, septic systems are required to have sealed caps on the end of each leach line in the drain field, effective with the passage of this ordinance. (Ord. No. 23)

(4) With respect to the Arkansas State Plumbing Code, Section 10.1.5, Water Service Pipe (materials), the Code is modified to read as follows:

> "Cold water service piping shall be of cast iron, type K or L copper tubing or galvanized pipe, except when such service is under concrete, then such pipe shall be cast iron pipe, type K copper tubing, and comply with 3.3.2 and 4.4.7." "Schedule 80, PVC pipe (made by Thermoplastics, Inc., or equivalent) may also be used for all applications."

(5) With respect to the Arkansas State Plumbing Code, Section 2.75, backfill material, the code is modified with an addition to read as follows:

> "and a bedding six (6") inches above line and six (6") inches below line of clear earth containing no stones or boulders or cinder fill. Connections to meter must be straight and not less than twelve (12") inches below grade. All trenches must be left open until water is hooked to the meter and turned on and an inspection made by the Building Inspector." (Ord. No. 1, Sec. 1 as amended by Ord. No. 89-05, Sec. 1)

(6) With respect to sewer line connections, the code is modified to require four (4") inch (inside diameter), Schedule 40 ABS plastic pipe or equivalent between building and city sewer lines. Clean-out shall be provided in such pipe not more than three (3) feet from the building. (Ord. No. 88-04, Sec. 1)

11.04.09 Adoption of Electrical Code. There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electric code known as the National Electrical Code of the National Fire Protection Association, 1971 Edition, of which not less than three (3) copies shall be on file in the office of the city Recorder/Treasurer and the same are hereby adopted as if set out in length herein. If the National Electrical Code is amended, updated or revised by the National Fire Protection Association, then said amendment shall- automatically constitute an amendment to this chapter. The Building Commission shall use the National Electrical code of the National Fire Protection Association for regulating standards. (Ord. No. 98-16, Sec. 1.)

11.04.10 Adoption of Mechanical Code. The Arkansas Standard Mechanical Code as applied to new construction and replacement of any part of an entire system, including duct work, is hereby adopted as minimum standards to safeguard the life, limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operating and maintenance of heat, ventilation, cooling, refrigeration, incinerators and other heat producing appliances. A building permit is required for the replacement of the main units, heat exchangers, piping and ducts. A separate building permit is not required when the mechanical unit is a part of the new construction for which a valid permit has been issued. Three (3) copies of said mechanical code shall be on file in the office of the city Recorder/Treasurer and the same are hereby adopted as if set out at length herein. The Building Committee shall use the latest edition of the Arkansas Mechanical Code. (Ord. No. 00-03, Sec. 1.)

11.04.11 Adoption of Uniform Code for the Abatement of Dangerous Buildings. The International Conference of Building Officials, Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition, is hereby adopted for the purpose of providing a just, equitable and practical method to be accumulative with and in addition to any other remedy provided by the Uniform Building Code, or otherwise available at law, whereby buildings or structures which for any cause can endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupancy may be required to repair, vacate or demolish. Not less than three (3) copies of this Code are filed in the office of the city Recorder/Treasurer and the same are hereby adopted as if set out at length therein. The Building Commission shall use the International Conference of Building Officials, Uniform Code for the Abatement of Dangerous Buildings for regulating standards. (Ord. No. 98-16, Sec. 1.)

11.04.12 Area. The geographic area which the numerous codes of the city shall apply include the incorporated areas of the city and any other area that is provided with water and sewer services and within the jurisdiction of the Planning Commission.

11.04.13 Earthquake preparedness requirements. All residences and commercial buildings built in Horseshoe Bend, Arkansas, after the date of approval of this document must meet the minimum requirements herein listed:

1. FOOTINGS - Steel reinforcing bars required = 2.

   A. Reinforcement must be continuous around corners.

   B. Must be overlapped and wired at splices - splices must be staggered.

   C. Must be hooked at intersections.

   D. Must be continuous through any step.

II FOUNDATIONS.

A. Must be poured concrete when full 8' high. May be concrete block when less than 8' high.

B. Reinforcements:

1. Vertical - at corners and at 6' or less intervals.
2. Horizontal - at 2' or less intervals (4 per 8').
3. Must be continuous around corners.
4. Must be overlapped and wired at splices - splices must be staggered.
5. Must be hooked at intersection.
6. Sills must be anchored to top of wall with ½ inch diameter 8 inch long anchor bolts on six foot or less centers. Bolts shall be cast in the foundation concrete.

C. A well cut basement foundation wall may be frame but must meet wall requirements. (Sec. IV).

III. CONCRETE SLABS ON GRADE

A. Must have thickened edges at exterior bearing walls and trenched type footings under interior bearing walls (or footings as in Section I). Both must be reinforced the same as normal footings. (Section 1).

B. Welded wire fabric (6 x 6/10-10) shall be used to reinforce the slab.

C. Sills shall be anchored with bolts the same as with poured concrete foundations. (Sec. II).

11.04.14 Accessory buildings The sub-paragraph 1 (a), PARAGRAPH VIII, CHAPTER FOUR entitled PRINCIPLE STRUCTURE ON LOT be and the same is amended to read as follows:

The accessory structure shall be placed on a firm and level foundation and be compatible with the principal structure and the surrounding area. If over 100 square feet, it shall have a concrete or wood floor. The foundation requirements of the Southern Building code shall apply to any building larger than 240 square feet. The size of any accessory structure shall be limited to 300 square feet. (Ord. No. 98-14, Sec. 1.)

IV. WALLS.

A. Concrete block walls must be reinforced the same as foundations. (Section II (B)).

B. SHEAR WALLS (the primary vertical resisting elements which anchor roof and floor diaphragms together):

1. Sheathing shall be solid plywood at least 5/16" thick, covering at least twenty percent (20%) of each exterior wall.
2. Shear panels should be located at the corners.
3. Shear panels must be nailed around the boundary or perimeter to plates, ill and end of corner studs.
4. If sheathing other than solid plywood is used, a diagonal steel reinforcement (or equivalent) shall be set-in reaching from the upper corner of the wall to a point on the sill four feet from the corner.

V. FLOORS AND ROOF (Horizontal diaphragms):

A. Floor and roof sheathing must be a minimum of 1/2" C-D structural plywood (or equivalent). Plywood must be applied with face grain perpendicular to the framing supports.

B. Walling must be 10D @ 6" o/c on all blocked edges and 10d @ 10" o/c to other joists or rafters.

VI. MASONRY CHIMNEYS. Must have anchor ties at every diaphragm level.

VII. AUXILIARY ITEMS:

A. WATER HEATER and water softener should be strapped to the house frame whenever possible.

B. LP GAS TANKS must be strapped to the house frame or fastened solidly to their base so they will move with the house and ground. They should be fitted with flexible inlet connections which will not break with house movement.

11.04.15 Outdoor wood-burning furnaces Outdoor furnace burn practices:

A. Fuel to be used Only those listed fuels recommended by the manufacturer of the unit. The following fuels shall never be used: trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, and cardboard.

B. Location All newly installed furnaces shall be located with due consideration to the prevailing wind direction and conform to the following:

1. Furnace should be located no less than 100 feet from any residence not served by the furnace.

2. If located within 100 feet to 300 feet to any residence not served by the furnace, the stack must be at least 2 feet higher than the peak of that residence.

C. Permit required A building permit shall be required for the installation of any outdoor wood-burning furnace.

D. Sections (B) and (C) of these regulations shall not apply to any furnace in existence at the time of adoption. However, they shall apply if any furnace is in need of replacement or if the property is sold.

E. Penalty The provisions of Section 1.32.01 of the Municipal Code of the city of Horseshoe Bend, Arkansas, shall apply. (Ord. No. 06-4, Sec. 1.)

CHAPTER 11.08

FIRE PREVENTION CODE

Sections:

11.08.01	Adoption of Standard Fire Prevention Code, 1993 Edition
11.08.02	Enforcement
11.08.03	Establishment of limits of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases, and storage of explosives and blasting agents is to be restricted
11.08.04	Modifications
11.08.05	Appeals
11.08.06	Penalties

11.08.01 Adoption of Standard Fire Prevention Code, 1993 Edition Is hereby adopted by reference as though it were copied herein fully, of which not less than three (3) copies have been and are filed in the office of the City Recorder/Treasurer, and the provisions hereof, and subsequent amendments thereto, shall be controlling within the limits of the city. (Ord. No. 93-3, Sec. 1)

11.08.02 Enforcement The Code hereby adopted shall be enforced by the City Police Department upon recommendation by the Chief of the Fire Department. (Ord. No. 93-3, Sec. 1)

11.08.03 Establishment of limits of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases, and storage of explosives and blasting agents is to be restricte. The limits referred to in Section 901 of the Fire Prevention Code, 1991 Edition, in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Chapters 17 and 22 of the Standard Prevention Code in which bulk storage of liquefied petroleum gas is restricted and the limited referred to in Chapter 22 of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited are hereby established as follows:

A. The above ground bulk storage of flammable liquids shall not be extended nor increased within the corporate limits of the city beyond that presently existing except in such special instances as may be approved by the Arkansas State Fire Marshall and then in accordance with NFPA 30.

B. Bulk storage of liquefied petroleum shall be maintained as allowed only within the Business and Industrial Park Addition in the city of Horseshoe Bend and only with the permission and consent of the Arkansas State Fire Marshall and the Chief of the Fire Department who shall determine whether the installation is in accordance with the provisions and standards of the National Fire Prevention

Association (HFPA) 30 and 59, entitled "Storage and Handling of Liquefied Petroleum Gases".

C. No storage of explosives and blasting agents shall be allowed anywhere within the corporate limits of the city. (Ord. No. 93-3, Sec. 1)

11.08.04 Modifications The Chief of the Horseshoe Bend Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant. (Ord. No. 93-3, Sec. 1)

11.08.05 Appeals Whenever the Chief of the Horseshoe Bend Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within thirty (30) days from the date of the decision appealed, for the decision of the matter. (Ord. No. 93-3, Sec. 1)

11.08.06 Penalties Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, any from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the city of Horseshoe Bend, Arkansas, or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be punished by a fine of not less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00) or by imprisonment for not less than ten (10) days nor more than twenty (20) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (Ord. No. 93-3, Sec. 1)

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 11.12

LOGGING OPERATIONS

Sections:

11.12.01	Regulated
11.12.02	Penalty
11.12.03	Intent

11.12.01 Regulated Any and all logging operations or cutting of trees on these unplatted acreages will be controlled by the following provisions of this ordinance. Plans for any and all logging or cutting of trees on unplatted land must be submitted to the Building Commission prior to any start of such operation.

The Building Commission will review the plans with the owner to determine the extent of the operation with the view to preventing clear-cutting or complete removal of all forestry that would cause erosion or runoff problems. The Building Commission will review the plans with the owner as to where and how many access roads will be utilized to enter and exit the acreage considered for logging.

It will be the responsibility of the owner of these unplatted acreages to insure that minimum damage is done to other vegetation not being cut out and that treetops or any other debris created by the logging or cutting operations be disposed of properly.

Access roads will be kept to a minimum number and be off of the least used streets. Any debris, mud or other matter carried out onto city streets or highways will be removed and cleared up by the owner or his agents in a timely manner so as not to cause a public inconvenience. When the review of the logging or cutting plans have been completed, the Building Commission will issue a permit at no cost to the owner. (Ord. No. 89-02, Sec. 1-7)

11.12.02 Penalty Violation of any of the provisions of this ordinance or failure to comply with the provisions of this ordinance will constitute a misdemeanor and will be subject to a fine of no less than Twenty-Five Dollars ($25.00). (Ord. No. 89-2, Sec. 8)

11.12.03 Intent The intent of this ordinance is to preserve the natural beauty of these areas, prevent erosion and yet allow the owners freedom to realize usage of the area within the bounds of the Zoning Regulations and other existing regulations. (Ord. No. 89-2, Sec. 9)

CHAPTER 11.16

ENERGY CODE

Sections:

11.16.01 Adoption

11.16.01 Adopted There is hereby adopted by the City Council of Horseshoe Bend, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Horseshoe Bend, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Horseshoe Bend, Arkansas. (Ord. No. 2012-12, Sec. 1.)

TITLE 12

PARKS AND RECREATION

Chapters:

12.04	Fishing
12.08	Reserved
12.12	Municipal Recreation Improvement District

CHAPTER 12.04

FISHING

Sections:

12.04.01	Jug fishing regulation
12.04.02	Definition
12.04.03	Trotline regulation
12.04.04	Definition
12.04.05	Penalty

12.04.01 Jug fishing regulation It shall be unlawful to leave jugs, with or without bait, in any waters owned or controlled by the Municipal Recreation Improvement District and located within the corporate limits of the city of Horseshoe Bend, Arkansas. (Ord. No. 2006-7, Sec. 1)

12.04.02 Definition

Jug fishing or **jugging** is defined as a method to catch fish using a device that floats freely by which a line and a hook or hooks are attached. (Ord. No. 2006-7, Sec. 2)

12.04.03 Trotline regulation It shall be unlawful to place a trotline, with or without bait, in any waters owned or controlled by the Municipal Recreation Improvement District and located within the corporate limits of the city of Horseshoe Bend, Arkansas. (Ord. No. 2006-7, Sec. 3.)

12.04.04 Definition

Trotline is defined as a device consisting of a one hundred percent (100%) cotton base line with a hook or hooks attached and baited to catch fish. Either one (1) or both ends of the base line are attached to anchors, either in or out of the water. (Ord. No. 2006-7, Sec. 4)

12.04.05 Penalty Any person violating the provisions of 12.04.01 or 12.04.03 shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Fifty Dollars ($50.00) for the first offense and not less than Two Hundred Dollars ($200.00) for any subsequent violations. (Ord. No. 2006-7, Sec. 5)

CHAPTER 12.08

RESERVED

Page 55.2 Reserved

CHAPTER 12.12

MUNICIPAL RECREATION IMPROVEMENT DISTRICT

Sections:

12.12.01	Rules, adopted
12.12.02	Revision
12.12.03	Applicable regulations
12.12.04	Penalty

12.12.01 Rules, adopted. The rules and regulations as prescribed by the Municipal Recreation Improvement District (MRID), as amended January 2005, and which are hereby attached, are adopted by reference and made a part of this chapter. However, any conflict of an MRID rule or regulation with state laws shall be enforced through the state statutes. (Ord. No. 05-01, Sec. 1)

12.12.02 Revision. These rules and regulations referred to in Section 12.12.01 may be subject to revision and change from time to time at the discretion of the Municipal Recreation Improvement District Commissioners by majority vote. (Ord. No. 97-15, Sec. 2)

12-12.03 Applicable regulations. All provisions of Section 5.16 of the Municipal Code of the City of Horseshoe Bend, Arkansas, regard real property, may apply to these structures on or in proximity of any of the lakes referred to in the rules and regulations which are owned and operated by the MRID. (Ord. No. 93-13, Sec. 3)

12.12.04 Penalty. Violation of any of the MRID rules or regulation or any section of this ordinance that does not fall under state statute shall be subject to the enforcement and penalties and shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than $25.00. (Ord. No. 97-15, Sec. 3.)

TITLE 13

PLANNING

Chapters:

13.04 Planning Commission
13.08 Building Committee

CHAPTER 13.04

PLANNING COMMISSION

Sections:

13.04.01 Commission created
13.04.02 Duties
13.04.03 Appointment
13.04.04 Terms

13.04.01 Commission created There is hereby created a commission for the city of Horseshoe Bend, Arkansas, to be known as the "Horseshoe Bend Planning Commission" which said Commission shall consist of not less than seven (7) members who shall serve without compensation and of whom no more than two-thirds (2/3) may hold any other municipal office or appointment except membership on the Building Committee or Zoning Board of Adjustments. (Ord. No. 2007-1, Sec. 1.)

13.04.02 Duties The Planning Commission shall have all the duties and functions authorized by Chapter 56 of Title 14 of the Arkansas Code of 1987 Annotated. (Ord. No. 2007-1, Sec. 2.)

13.04.03 Appointment The members of the Planning Commission shall be named and appointed by the mayor and his appointments will be valid and effective upon confirmation by the City Council.

13.04.04 Terms The Terms of the members of the Planning Commission shall be for two (2) years. However, the initial appointments to the commission may be less than two (2) years. The mayor shall designate the terms of the initial appointments. Thereafter as vacancies occur in said commission, for whatever cause, said vacancies shall be filed in the manner provided and said appointees shall hold office until expiration of the term which they were appointed to fill. All members of the Planning Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed.

CHAPTER 13.08

BUILDING COMMITTEE

Sections:

13.08.01	Building Committee
13.08.02	Duties of Building Committee
13.08.03	Liability
13.08.04	Right of entry
13.08.05	Saving clause

13.08.01 Building Committee A Building Committee for the city of Horseshoe Bend, Arkansas, is hereby established for the city of Horseshoe Bend, Arkansas. It shall consist of at least three members plus the Building Inspector for the city of Horseshoe Bend, Arkansas. (Ord. No. 2007-2, Sec. 1.)

13.08.02 Duties of Building Committee

A. They shall, subject to the conditions set our hereinbelow, receive applications required by this code, issue permits and furnish the prescribed certificates. They shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. They shall enforce all provisions of the Building Code. They shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, they shall issue such notices or orders as may be necessary.

B. Inspections required under the provisions of the Building Code shall be made a duly appointed Building Inspector. The Building Committee may accept reports of inspectors of recognized inspection services, after investigation of their qualifications, and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to be a responsible officer of such service. (Ord. No. 2007-2, Sec. 1.)

C. The Building Committee shall keep comprehensive records of applications, of permits issued, of certificates issued of inspections made, or reports rendered, and of notices or orders issued.

D. All such records shall be open to public inspections for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building official without his written consent.

E. The Building Committee shall make written reports to the Mayor and City Council each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated. (Ord. No. 2007-2, Sec. 1.)

F. The Building Committee shall provide a copy of all applications to the Planning Commission, for review, and approval, which are for permanent buildings with new foundations and all additions including second/additional stories, and any other applications for building projects which might affect the structural integrity of the building. Permits for projects which do not require notification of the Planning Commission may be issued or rejected by the Building Committee without the application being reviewed by the Planning Commission.

G. After the plans are reviewed and approved by the Planning Commission, the Building Committee shall have the authority to issue a building permit.

H. Upon completion of all requirements of the project, the Building Committee shall have the authority and the responsibility of issuing an occupancy permit. (Ord. No. 2000-10, Sec. 2.)

13.08.03 Liability Any officer or employee, or member of the Building Committee, charged with the enforcement of his code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or any employee because of such act performed by him in the enforcement of any provisions of his code shall be defended by the City Attorney or Legal Representative of the city. (Ord. No. 2000-10, Sec. 3.)

13.08.04 Right of entry Any inspector, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Ord. No. 2000-10, Sec. 4.)

13.08.05 Saving clause Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 2000-10, Sec. 5.)

TITLE 14

ZONING

Chapters:

14.04 Zoning
14.08 Flood Damage Prevention Program
14.12 Mobile Homes
14.16 Municipal Airport Height Hazard and Land Use Zoning Ordinance

CHAPTER 14.04

ZONING

Sections:

14.04.01 Zoning regulations
14.04.02 Adoption
14.04.03 Penalty

14.04.01 Zoning regulations That the city of Horseshoe Bend Zoning Code consists of both a Text, containing Eleven Chapters, and a Map amended thereto; that said city of Horseshoe Bend Zoning Code was adopted, approved and recommended by the Planning Commission of the city of Horseshoe Bend at a public hearing held on January 30, 1985, pursuant to the requisite public notices, and certified to the City Council of the city of Horseshoe Bend for its adoption and approval on February 11, 1985, that said city of Horseshoe Bend Zoning Code, as certified by the Planning Commission of the city of Horseshoe Bend, is hereby adopted by reference, both as to the Text and Map in full. (Ord. No. 85-01, Sec. 1.)

14.04.02 Adoption That said regulations and Map, the city of Horseshoe Zoning Code, in its entirety, is adopted as a Code pursuant to public notice as set out in the Arkansas Statutes Annotated, Section 19-2421. That triplicate originals of said Zoning Code are on file in the office of the Recorder/Treasurer of the city of Horseshoe Bend, Arkansas, and shall be available for public inspection. (Ord. No. 85-1, Sec. 2.)

14.04.03 Penalty Any person or corporation who shall violate any of the provisions of the city of Horseshoe Bend Zoning Code or fail to comply therewith or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be fined in a sum of not more than One Hundred Dollars ($100.00). Each such violation is permitted to exist shall constitute a separate offense. The owner or owners of any

The city of Horseshoe Bend Zoning Code is contained in a separate binder on file in the office of the Recorder/Treasurer of the city of Horseshoe Bend, Arkansas and shall be available for public inspection.

CHAPTER 14.08

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

14.08.01	Statutory authority
14.08.02	Findings of fact
14.08.03	Statement of purpose
14.08.04	Lands to which this ordinance applies
14.08.05	Methods of reducing flood losses
14.08.06	Flood Damage Prevention Code adopted by reference
14.08.07	Abrogation and greater restrictions
14.08.08	Interpretation
14.08.09	Warning and disclaimer of liability
14.08.10	Compliance
14.08.11	Penalty for non-compliance

14.08.01 Statutory authority The Legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Horseshoe Bend, Arkansas, does hereby ordain as follows: (Ord. No. 2011-2, Sec. 1.)

14.08.02 Findings of fact

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Horseshoe Bend, Arkansas, in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Horseshoe Bend, Izard County," dated September 30, 1988, with an effective Flood Insurance Rate Map (FIRM) dated September 30, 1988 and "The Flood Insurance Study (FIS) for Horseshoe Bend, Sharp County," dated September 16, 2011 with an effective Flood Insurance Rate Map (FIRM) dated September 16, 2011.

B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities,

B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (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 and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 2011-2, Sec. 5.)

14.08.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for Horseshoe Bend, Arkansas, dated September 26, 2011. The code shall include:

ARTICLE 1 DEFINITIONS
ARTICLE 2 ADMINISTRATION
ARTICKE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Recorder/Treasurer and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2011-2, Sec. 6.)

14.08.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2011-2, Sec. 7.)

14.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

A. Be considered as minimum requirements;

B. Be liberally construed in favor of the governing body; and

FLOOD DAMAGE PREVENTION CODE
FOR Horseshoe Bend, AR,

ARTICLE 1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Code 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 A1-30 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" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" 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" 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 Subdivsion" - 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 maps

"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.

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

"Flood proofing 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 ship building 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:

1. 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;

2. 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;

3. 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

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

   a. By an approved state program as determined by the Secretary of the Interior or;
   b. 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 crawlspaces 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.

"Manufacture 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 is 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.

"Pilings" 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:

(i) built on a single chassis;
(ii) 400 square feet or less when measured at the largest horizontal projections;
(iii) designed to be self-propelled or permanently towable by a light duty truck; and
(iv) 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 A1-30, 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 A1-30, 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.

ARTICLE 2 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor of Horseshoe Bend, Arkansas, or his designee, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or his designee to:

(1) **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.**

(2) **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

(3) **Review applications for Floodplain Development Permits** to:

a) Evaluate proposed projects for reasonable safety from flooding;

b) Evaluate proposed projects for conformance with No Adverse Impact principles;

c) 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

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

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

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

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

c) 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;

d) The proposed development's susceptibility to flood damage;

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

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

g) 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;

h) The proposed development's functionally dependent use;

i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and

j) The relationship of the proposed use to the comprehensive plan for that area.

(5) **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.)

(6) **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.

(7) **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.

(8) **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.)

(9) **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.

(10) **Issue Certificates of Compliance.**

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

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A **Floodplain 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.**

SECTION D. PERMIT PROCEDURES

(1) **Application** for a Floodplain 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.

(2) The **documentation** required with each Application for a Floodplain 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 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.

(3) The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within **Horseshoe Bend**, Arkansas the designated Appeal Board is the City Council.

SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIRMENTS OF THIS CODE

(1) Applicants must submit petitions for variances directly to the Appeal Board (Section E).

(2) Variances may only be issued:

a) if showing a good and sufficient cause;

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

c) if granting of the variance will not result in any additional threats to public safety;

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

e) 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;

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

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

h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.

(3) Variances may not be issued for developments inside a regulatory floodway unless

a) all requirements of 44 CFR §65.12 are first met; or

b) the following requirements are met:

1. 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;
2. protective measures are employed to minimize damages during flooding events; and
3. the variance does not result in any adverse impact to other lands.

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

a) 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;

b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:

1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and

2. the variance is the minimum necessary to preserve the historic character and design of the structure.

c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:

1. the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and
2. 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.

SECTION F. APPEAL BOARD

(1) Within **Horseshoe Bend**, Arkansas the **City Council** is the designated Appeal Board.

(2) The Appeal Board 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.

(3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(4) Appeal Board 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.

(5) Any time the Appeal Board issues 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.

(6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. 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.

1. **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;

2. **All new construction or substantial improvements** shall be constructed by methods and practices that **minimize flood damage;**

3. **All new construction or substantial improvements** shall be constructed **with materials resistant to flood damage;**

4. 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.**

5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**

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

7. **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 other improvement, must meet the standards of new construction in this Code.

8. **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.**

9. **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.

10. 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.

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

12. 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.

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

14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

SECTION B. RISK ZONE SPECIFIC STANDARDS

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.

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

a) **For Residential Structures in Zone AE or A1-30**:

1. 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 properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. 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.

b) **For Nonresidential Structures in Zone AE or A1-30**:

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

   a. have the lowest floor (including basement) elevated 2 feet or more above the base flood level or
   b. 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.
   c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Flood proofing 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 flood proofed shall be maintained by the Floodplain Administrator.

2. 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.

3. 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.

c) **For Manufactured Homes in Zone AE or A1-30**:

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

   a. outside of a manufactured home park or subdivision,
   b. in a new manufactured home park or subdivision,
   c. in an expansion to an existing manufactured home park or subdivision, or
   d. 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.

2. 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 (1.) of this section be elevated so that either:

a. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or
b. 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.

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

4. 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.

d) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, 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.

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(2) Floodways
High risk areas of stream channel and adjacent floodplain

a) **Developments** in regulatory floodways are **prohibited, unless**

1. **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**

2. **All requirements of 44 CFR §65.12 are first met.**

b) **No Manufactured Home may be placed in a regulatory floodway,** regardless of elevation height, anchoring methods, or No-Rise Certification.

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(3) In AH or AO Risk Zones:
Special Flood Hazard Areas of shallow flooding

a) **For Residential Structures in Zones AH or AO:**

1. All new residential structures must be constructed with the top surface of the lowest floor elevated 2 feet or more above the published BFE, 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.

2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.

3. 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

b) **For Nonresidential Structures in Zones AH or AO:**

1. All new commercial, industrial or other nonresidential structure must either:

   a. 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 number 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
   b. 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.

2. 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.

3. 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.

c) **For Manufactured Homes in Zones AH or AO**:

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

   a. outside of a manufactured home park or subdivision,
   b. in a new manufactured home park or subdivision,
   c. in an expansion to an existing manufactured home park or subdivision, or
   d. 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 depth 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.

2. 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 1. of this section be elevated so that either:

   a. the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or
   b. 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.

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

4. 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.

d) **Where FEMA has not established a regulatory floodway in Zone 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.

e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.

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(4) In "A" Risk Zones:
Special Flood Hazard Areas with no base flood elevations determined

a) **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.**

b) **For Residential Structures in Zone A:**

1. For all new residential structures, the top surface of the lowest floor must have an elevation 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.

2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. 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.

c) **For Nonresidential Structures in Zone A:**

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

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

   b. 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.

c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Flood proofing 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 flood proofed shall be maintained by the Floodplain Administrator.

2. 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.

3. 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.

d) For Manufactured Homes in Zone A:

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

   a. outside of a manufactured home park or subdivision,
   b. in a new manufactured home park or subdivision,
   c. in an expansion to an existing manufactured home park or subdivision, or
   d. 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 <u>2 feet or more</u> above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. 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 (1.) of this section be elevated so that either:

   a. the lowest floor of the manufactured home is <u>2 feet or more</u> above the base flood elevation, or
   b. 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.

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

4. 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) **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.

CHAPTER 14.12

MOBILE HOMES

Sections:

14.12.01	None older than five years allowed
14.12.02	Conformity with Mobile Home Code required
14.12.03	Building or placement permits
14.12.04	Maintenance requirement
14.12.05	Enforcement by Building Inspector
14.12.06	Amendment to the Zoning Code

14.12.01 None older than five years allowed That hereafter no mobile or manufactured home, as defined by the Arkansas Mobile Home Code, shall be placed upon any property within the City of Horseshoe Bend which is designated and zoned for mobile or manufactured homes, which is more than five (5) years old from the date of its manufacture. (Ord. No. 94-05, Sec. 1.)

14.12.02 Conformity with Mobile Home Code required That hereafter no mobile or manufactured home, as defined by the Arkansas Mobile Home Code, shall be placed upon any property within the City of Horseshoe Bend which is designated and zoned for mobile or manufactured homes, which does not conform with the requirements and standards set by the Arkansas Mobile Home Code as of the date of placement of such home. (Ord. No. 94-05, Sec. 2.)

14.12.03 Building or placement permits Along with an application to the City of Horseshoe Bend Building Commission for a building permit or permit for placement of a mobile or manufactured home, the person making such application shall submit recent photographs of the exterior and interior of such home and submit evidence of the manufactured date of such home. The Building Commission shall not issue a building permit or any other permit for the placement of any mobile or manufactured home which is more than five (5) years old from the date of its manufacture or which does not conform with standards set by the Arkansas Mobile Home Code. (Ord. No. 94-05, Sec. 3.)

14.12.04 Maintenance requirement After placement of such mobile or manufactured home, the owner or occupant shall continue to maintain such home and the premises in accordance with standards set by the Arkansas Mobile Home Code and ordinances of the City of Horseshoe Bend. (Ord. No. 94-05, Sec. 4.)

14.12.05 Enforcement by Building Inspector The city of Horseshoe Bend Building Inspector shall enforce all provisions of this chapter or such provisions as may hereafter be enacted. For such purpose, the City Building Inspector, or a duly authorized representative, may enter upon any premises upon which mobile or manufactured homes are located or are about to be located and inspect the same and all accommodations connected therewith at any reasonable time. (Ord. No. 94-05, Sec. 5.

14.12.06 Amendment to the Zoning Code That the Zoning Code be amended as follows: Chapter Ten on page 57, paragraph II, sub-section A is hereby amended by adding the following words to the end of this sub-section. "or Federal Manufactured Home Construction and safety standards." (Ord. No. 97-14, Sec. 1.)

CHAPTER 14.16

MUNICIPAL AIRPORT HEIGHT HAZARD AND LAND USE ZONING ORDINANCE

Sections:

14.16.01	Title
14.16.02	Definitions
14.16.03	Height restriction zones
14.16.04	Height limitations
14.16.05	Use restrictions
14.16.06	Airport hazard area
14.16.07	Aircraft overflight area
14.16.08	Non-conforming uses
14.16.09	Permits
14.16.10	Enforcement
14.16.11	Appeals and judicial review
14.16.12	Enforcement and remedies
14.16.13	Penalties
14.16.14	Conflicting regulations

14.16.01 Title This ordinance shall be known and may be cited as the "Horseshoe Bend Municipal Airport Height Hazard and Land Use Zoning Ordinance." (Ord. No. 2009-2, Sec. 1.)

14.16.03 Definitions As used in this ordinance, unless the context otherwise requires:

Administrative agency – city of Horseshoe Bend, Arkansas.

Airport means the Horseshoe Bend Municipal Airport.

Airport elevation means the established elevation of the highest point on the usable landing area measured in feet from the mean sea level. The Horseshoe Bend Municipal Airport elevation is 782'.

Airport hazard means any structure or tree or use of land which obstructs the air space required for the flights of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with, or obstructing such landing, taking off, or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport hazard area means any area of land or water upon which an airport hazard might be established if not prevented as provided in this ordinance.

Airport reference point means the point established as the approximate geographic center of the airport landing area and so designated. The airport reference point for the Horseshoe Bend Municipal Airport is N36°13'16.921", W91°45'19.723".

Approach surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in 14.16.04. In the plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones – These zones are set forth in 14.16.03.

Centerline means a line extending through the midpoint of each end of a runway.

Compatible land use means the use of land adjacent to an airport which protects the owners, occupants, or users of the land from levels of noise or vibrations created by the operations of the airport, including the taking off and landing of aircraft, that may endanger the health, safety, or welfare of the owners, occupants, or users of the land and protect airport users from airport hazards.

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

Hazard to air navigation means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace, as discussed in 14.16.05.

Height – For the purpose of determining the height limits in all zones set forth in the ordinance and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

Horizontal surface means a horizontal place 150 feet above the established airport elevation, the perimeter of which in plain view coincides with the perimeter of the horizontal zone. The Horizontal Surface elevation at the Horseshoe Bend Municipal Airport is 932.

Instrument runway means existing or planned runway(s) for which there is or is planned to be an instrument landing procedure published by a defense agency of the federal government or by the Federal Aviation Administration.

Landing area means the surface area of the airport used for the landing, takeoff, or taxiing of aircraft.

Non-conforming use means any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this ordinance or an amendment thereto.

Non-precision instrument runway means a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and/or aircraft navigations equipment, for which a straight-in non-precision instrument approach procedure with approach visibility minimums of not lower than three-quarters (3/4) of one (1) mile has been approved or planned.

Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in 14.16.04.

Person means an individual, firm, partnership, corporation, company association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Precision instrument runway means a runway having an instrument approach procedure utilizing an Instrument Landing System (ILS) and/or aircraft navigation equipment, for which a straight-in precision instrument approach procedure with approach visibility minimums of lower than three-quarters (3/4) of one (1) mile has been approved or planned. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary runway means existing or planned paved runway(s), as shown in the official Airport Layout Plan (ALP), on which a majority of the approaches to and departures from the airport occur. Runway 13/31 is the primary runway at the Horseshoe Bend Municipal Airport.

Primary surface means a rectangular surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Federal Aviation Regulations (FAR) Part 77, for the most precise approach existing or planned for either end of that runway. The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface for the Horseshoe Bend Municipal Airport is 500 feet.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length. The length of the Horseshoe Bend Municipal Airport runway is 4,524 feet.

Structure means an object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Transitional surfaces means surfaces that extend outward at ninety (90) degrees to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety (90) degrees to the extended centerline.

Tree means any object of natural growth.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. No. 2009-2, Sec. 2.)

14.16.03 Height restriction zones In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surface, transitional surfaces, horizontal surface, and conical surface as they apply to the airport. Such zones are shown on the current height hazard and land use zoning map, which is attached to this ordinance in Attachment "A" and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restricted height limitations. The various zones are hereby established and defined as follows:

A. Approach Zones

1. Runway 13 Approach Zone is established beneath the approach surface at the end of Runway 13 on the Horseshoe Bend Municipal Airport for visual landings and takeoffs. The inner edge of the approach zone shall have a width of 500 feet which coincides with the width of the primary surface at a distance 200 feet beyond the end of the runway, widening thereafter uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet beyond the end of the primary surface at a slope of twenty (20) feet horizontally for each foot vertically, its centerline being the continuation of the centerline of the runway.

2. Runway 31 Approach Zone is established beneath the future instrument approach surface at the end of Runway 31 on the Horseshoe Bend Municipal Airport for non-precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 500 feet which coincides with the width of the primary surface at a distance 200 feet beyond the end of the runway, widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet beyond the end of the primary surface at a slope of thirty-four (34) feet horizontally for each foot vertically, its centerline being the continuation of the centerline of the runway.

B. Transitional Zones – Transitional zones are hereby established beneath the transitional surface adjacent to each runway and approach surface as indicated on the zoning map. Transitional surfaces, symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of approach surfaces.

C. Horizontal Zone – The area beneath a horizontal plane 150 feet above the established airport elevation of 782', the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 13/31 and connecting the adjacent arcs by lines tangent to those areas.

D. Conical Zone – The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet. (Ord. No. 2009-2, Sec. 3.)

14.16.04 Height limitations Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree (natural growth) shall be allowed to grow in

a zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Approach Zones' height limitations

1. Runway 13: One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the end of and at the elevation of the primary surface (elevation 782') and extending to a point 5,000 feet from the end of the primary surface.

2. Runway 31: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface (Election 777') and extending to a point 10,000 feet from the end of the primary surface.

B. Transitional Zones – One (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the current established airport elevation of 782'. For precision approaches in addition to the foregoing, there are established height limits sloping one (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

C. Horizontal Zone – Established at one hundred fifty (150) feet above the current established airport elevation. The Horizontal Zone elevation for the Horseshoe Bend Municipal Airport is 932'.

D. Conical Zone – One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the periphery of the horizontal zone and at 150 feet above the current established airport elevation of 782' and extending 4,000 feet from the horizontal zone to a height of 350 feet above the airport elevation to elevation 1132'. (Ord. No. 2009-2, Sec. 4.)

14.16.05 Use restrictions Notwithstanding any other provisions of this ordinance, no use may be made of land or water which is within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking-off, or maneuvering of aircraft intending to use the airport. (Ord. No. 2009-2, Sec. 5.)

14.16.06 Airport hazard area Any area of land or water upon which an airport hazard might be established if not prevented as provided in this ordinance. The airport hazard area within which land use compatibility zoning may take place includes all unincorporated area in the county, except within the police jurisdiction of any municipality and the area within two miles of an airport owned or operated by a municipality when said municipality exercises or declares its intention to exercise zoning control over theses areas; provided, that when by local acts the jurisdiction of zoning regulations is limited to the corporate limits of a city, this ordinance shall not confer any further territorial jurisdiction on such city or its planning board or boards. (Ord. No. 2009-2, Sec. 6.)

14.16.07 Aircraft overflight area the area within the outer boundary of the Conical Surface as identified in 14.16.03. This area is subject to the overflight of aircraft arriving and departing the Horseshoe Bend Municipal Airport at altitudes of 1,000 feet or less above ground level. (Ord. No. 2009-2, Sec. 7.)

14.16.08 Non-conforming uses

A. Regulations not retroactive – The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted.

B. Marking and lighting – Notwithstanding the preceding provision of this section, the owner of any pre-existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrative Authority to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the discretion of the Administrative Authority. (Ord. No. 2009-2, Sec. 8.)

14.16.09 Permits

A. FAS Form 7460 – The Federal Aviation Administration provides obstruction evaluations for proposed alteration or improvements in order to promote air safety and the efficient use of navigable airspace. Regardless of the intended use or vertical height of alterations or improvements, each application for a permit or variance shall include the filing of a Notice of Proposed Construction or Alteration (FAA Form 7460). Applicants may file electronically via this website

http://oeaaa.faa.gov or via US Postal Mail by following the instructions on the website.

B. Future uses – The granting of a permit under this section shall be required for: the erection, alteration or improvement of any structure, material change in the use of the land or the planting of any tree, any of which may be reasonably expected to exceed 75 feet of vertical height above the ground; any of these actions which may be reasonably expected to exceed the height limitation of any zone in which it lies; or any of theses actions inside the limits of the approach zone within a horizontal distance of 5,000 feet from the end of Runway 13 and 5,270 feet from the end of Runway 31. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with 14.16.09(D).

C. Existing uses – No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit may be granted.

D. Non-conforming uses, abandoned or destroyed Whenever the Administrative Authority determines that a non-conforming structure or tree has been abandoned for one (1) years or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

E. Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use his property in violation of the regulations prescribed in this ordinance, may apply to the Administrative Agency for a variance from such regulations in question. The application for variance shall be accompanied by an obstruction evaluation (FAA Form 7460) from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. See 14.16.09(A) for more detail. Such variances may be allowed when there is concurrence from the Horseshoe Bend Airport Commission, and where it is duly found that a literal application of enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public

interest, but do substantial justice, and be in accordance with the spirit of this ordinance. The city of Horseshoe Bend shall make every effort to respond to the variance application within thirty (30) days of receipt.

F. Obstruction marking and lighting – Any permit or variance granted, if such action is deemed advisable by the Administrative Agency to effectuate the purpose of this ordinance and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, such markings and lights as may be necessary. (Ord. No. 2009-2, Sec. 9.)

14.16.10 Enforcement It shall be the duty of the Administrative Agency to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Administrative Agency upon a form published for that purpose. Applications required by this ordinance to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for variance shall be made to the Administrative Agency by filing said application for variance with the Administrative Agency. (Ord. No. 2009-2, Sec. 10.)

14.16.11 Appeals and judicial review

A. Any person aggrieved, or any taxpayer affected, by any decision of the legislative body or Administrative Agency made in its administration of this ordinance, if of the opinion that a decision of the legislative body or Administrative Agency is an improper application of these regulations, may appeal to Circuit Court of the county where such airport is located.

B. All appeals hereunder must be taken within ten (10) days by filing with the agency from which the appeal is taken a notice of appeal specifying the grounds thereof. The agency from which appeal is taken shall forthwith transmit to the court all papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which appeal is taken certifies to the court, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property and file bond to indemnify the owner for damages as may be fixed by the court. In such cases, proceedings may be stayed upon the filing by the appellant of a supersedes bond in an amount to be set by the Circuit court on application by the appellant or the agency from which appeal is taken. (Ord. No. 2009-2, Sec. 11.)

14.16.12 Enforcement and remedies In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance or of any ordinance or other regulation made under authority conferred by the A.C.A., the city of Horseshoe Bend, in addition to other remedies, may institute any appropriate action of proceedings to prevent, restrain, correct, or abate any such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. No. 2009-2, Sec. 12.)

14.16.13 Penalties Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not more than Five Hundred Dollars ($500.00). Each day a violation continues to exist shall constitute a separate offense. (Ord. No. 2009-2, Sec. 13.)

14.16.14 Conflicting regulations Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the terms and provisions of this ordinance shall govern and prevail. (Ord. No. 2009-2, Sec. 14.)

ORDINANCE NO. 86 - 01

AN ORDINANCE AMENDING THE ZONING CODE FOR
THE CITY OF HORSESHOE BEND, ARKANSAS

WHEREAS, the City Council of Horseshoe Bend, Arkansas, did enact a Zoning Code for the City of Horseshoe Bend, Arkansas through Ordinance 85-1 dated February 11th, 1985, and

WHEREAS. said Ordinance did provide that any and all additions and amendments in said Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the City of Horseshoe Bend Zoning Code shall be understood and intended to include such additions and amendments, and

WHEREAS, the Planning Commission of the City of Horseshoe Bend, Arkansas having held a Public Hearing on February 5th, 1986, pursuant to proper Statutory Notice, and having addressed itself to proposed Amendments to the "City of Horseshoe Bend Zoning Code", and

WHEREAS, as a result of said Public Hearing, the Planning Commission did prepare, adopt and certify to the City Council its recommended Amendments to the "City of Horseshoe Bend Zoning Code".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BEND, ARKANSAS, that:

Section 1. That CHAPTER THREE, Page 12, of the City of Horseshoe Bend Zoning Code Text shall be Amended by Adding OPEN SPACE COMMON. and OPEN SPACE RATIO. between NURSING HOME, CONVALESCENT HOME. and PRINCIPAL USE., such additions to read as follows:

OPEN SPACE COMMON. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for common use or enjoyment of the residents of the development and may include such structures and improvements as are necessary and appropriate.

OPEN SPACE RATIO. Total area of open space divided by the total site area in which the open space is located.

Section 2. That CHAPTER FOUR, Page 23, Paragraph VII, Sub-Paragraph 1, of the City of Horseshoe Bend Zoning Code Text is hereby amended to read as follows:

1. A building permit shall have been applied for and approved by the Building Commission to erect an Accessory Structure. The Accessory Structure shall be located to the rear of the front building line and within the rear and side set back lines of the lot. No Accessory Structure shall be constructed on any lot prior to the start of the principal building to which it is an accessory.

   (a) The Accessory Structure shall be placed on a firm, level foundation and be compatible with the principal structure and the surrounding area.

   (b) EXCEPTION: Each lake shore lot may have one boat house adjoining the water which shall not exceed the height of six (6) feet at the normal water level.

2. Each request for a building permit shall contain a plan to ensure that the natural water drainange is not increased or guided onto neighboring property. The plan shall indicate how the storm water drainange will be directed to a street ditch, natural waterway or other approved method before the occupancy permit is issued.

ORDINANCE NO. 86 - 02

AN ORDINANCE AMENDING THE ZONING CODE FOR
THE CITY OF HORSESHOE BEND, ARKANSAS

WHEREAS, the City Council of Horseshoe Bend, Arkansas, did enact a Zoning Code for the City of Horseshoe Bend, Arkansas through Ordinance 85-1, dated February 11th, 1985, and said City Council did amend said Zoning Code through Ordinance 86-1, dated April 14th, 1986, and

WHEREAS, Ordinance 85-1 does provide that any and all additions and amendments to said Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the City of Horseshoe Bend Zoning Code shall be understood and intended to include such additions and amendments, and

WHEREAS, the Planning Commission of the City of Horseshoe Bend, Arkansas having held a Public Hearing on May 21st, 1986, pursuant to proper Statutory Notice, and having addressed itself to proposed Amendments to the "City of Horseshoe Bend Zoning Code", and

WHEREAS, as a result of said Public Hearing, the Planning Commission did prepare, adopt and certify to the City Council its recommended Amendments to the "City of Horseshoe Bend Zoning Code".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BEND, ARKANSAS:

Section 1. That CHAPTER THREE, Page 8 of the City of Horseshoe Bend Zoning Code Text shall be Amended by Adding CAMPGROUND between BUILDING HEIGHT and CLINIC, such Addition to read as follows:

CAMPGROUND. An area set up with permanent sites for camping with tents or recreational vehicles and other customary and recreational facilities.

Section 2. That CHAPTER THREE, Page 11, of the City of Horseshoe Bend Zoning Code Text shall be Amended by Adding MARINA between LOT and MARQUEE or CANOPY, such Addition to read as follows:

MARINA. A facility for launching, servicing, berthing, and storing of pleasure boats and other customary and recreational facilities.

Section 3. That CHAPTER THREE, Page 13, of the City of Horseshoe Bend Zoning Code Text which defines PUBLIC UTILITY is hereby Amended to read as follows:

PUBLIC UTILITY. Any person, firm, corporation, or municipal department duly authorized to furnish under public regulations electricity, gas, steam, telephone, communications, transportation, water, or operation of sewage treatment plants, and sewer systems.

Section 4. That CHAPTER FOUR, Page 16, Paragraph I,A, Sub-Paragraph 1-R-1A of the City of Horseshoe Bend Zoning Code Text shall be Amended to read as follows:

1. R-1A. All of the land within the City Limits of Horseshoe Bend, Arkansas, which has not been platted including the Cedar Glade Lake area except the land which is zoned R-2A or C-1.

Section 5. That CHAPTER FOUR, Page 19, Paragraph I, B., Sub-Paragraph 1. R-2A of the City of Horseshoe Bend Zoning Code Text is hereby Amended by Adding a third paragraph thereto, which addition shall read as follows:

1. R-2A (Third Paragraph) Also included is that land extending 415 feet West from Fourth Street and South from the present Hill High property to West Church Street but excluding the present property of the Church of the Nazarene.

Each Campsite and office/residence shall be located no nearer than 20 feet from any property line except that in the case of a property line abutting a public street the set back shall be 40 feet.

With approval by the Planning Commission secured RV storage may be included. Incidental retail sales are permitted.

Section 12 That all provisions of such Amendments to the Zoning Code shall be in full force and effect from the 9th day of June,1986. All provisions of the Zoning Code in conflict with such adopted Amendments are hereby repealed from and after said 9th day of June, 1986.

Section 13 That three originals of these Amendments to the Zoning Code Text shall be presented to the City Clerk who shall insert same in their designated places in the three originals of the Zoning Code kept on file by said City Clerk and to extract from such Code all provisions which are repealed by the City Council.

Section 14 EMERGENCY CLAUSE. In an effort to assist those purchasers of real estate from the Horseshoe Development Corporation in its liquidation sales to commence immediate commercial use or residential construction, it is necessary that immediate action be taken in Amending the City of Horseshoe Bend Zoning Code Text, therefore an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED AND PASSED THIS 9th DAY OF JUNE, 1986.

S. P. White
MAYOR

ATTEST:

Beverly Brooks
RECORDER/TREASURER

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Regulations

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

15.04.01 Subdivision regulations
15.04.02 Adoption as code
15.04.03 Effective date
15.04.04 Additions and amendments
15.04.05 CAMSID and back taxes

15.04.01 Subdivision regulations That "The City of Horseshoe Bend, Arkansas, Subdivision Regulations" shall consist of a text containing eight (8) chapters; that said Subdivision Regulations were adopted; approved and recommended by the Planning Commission of the City of Horseshoe Bend at a public hearing on April 24, 1985, pursuant to the requisite public notices, and certified to the City council for its adoption and approval on May 6, 1985; that said City of Horseshoe Bend, Arkansas, Subdivision Regulations, so certified by the Planning Commission, be and the same are hereby adopted by reference in their entirety. (Ord. No. 85-04, Sec. 1.)

15.04.02 Adoption as code The said regulations, "The City of Horseshoe Bend, Arkansas, Subdivision Regulations:, in their entirety, are adopted as a code pursuant to public notice as set out in the Arkansas Statutes Annotated, Section 19-2421. That triplicate originals of said Subdivision Regulations are on file in the office of the City Clerk of the City of Horseshoe Bend, Arkansas, and shall be available for public inspection. (Ord. No. 85-04, Sec. 2.)

15.04.03 Effective date That all provisions of such Subdivision Regulations shall be in full force and effect from and after the 13th day of May, 1985. (Ord. No. 85-04, Sec. 3.)

15.04.04 Additions and amendments That any and all additions and amendments to such Subdivision Regulations, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the City of Horseshoe Bend, Arkansas, Subdivision Regulations shall be understood and intended to include such additions and amendments. (Ord. No. 85-04, Sec. 4.)

15.04.05 CAMSID and back taxes

A. It is hereby ordained that the Crown Addition Municipal Street Improvement District "CAMSID" is hereby authorized, subject to the conditions herein below, to forgive all CAMSID back taxes on certain lots.

B. The CAMSID can only forgive back taxes on lots which have been forfeited to the state of Arkansas and sold by the State Land Commissioner, and are purchased by someone other than the original owner or their heirs or assigns. (Ord. No. 01-03, Secs. 1-2.)

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