

A-1159

ORDINANCE NO. 0-~~01~~-54

Doc#2001- 11020

AN ORDINANCE AMENDING CHAPTER 11.16 OF THE CONWAY MUNICIPAL CODE, CREATING NEW PROVISIONS FOR THE ISSUANCE OF BUILDING PERMITS FOR RESIDENCES AS DEFINED HEREIN, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Act 950 of 1999 (A.C.A. § 17-25-501 et seq.) will require licensure of homebuilders prior to the issuance of a building permit after July 1, 2001; and

WHEREAS, the current requirements for homebuilder registration with the Secretary of State's Office, Act 859 of 1987 (A.C.A. § 17-47-101 et seq.) will no longer be applicable after July 1, 2001; and

WHEREAS, the Mayor and City Council of the City of Conway has determined that there is a need to amend the requirements for issuing a residential building permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, AS FOLLOWS:

SECTION 1. Chapter 11.16.06 (A) (2) and (3) of the Conway Municipal Code, as found in Ordinance No. 0-93-06, is hereby amended to read as follows:

Residential Permits Required.

- 1. **Building Permit Required.** No person, firm, corporation, partnership, association or any other organization of any kind or character whatsoever shall build, construct, or erect any residence, as that term is defined herein, nor remodel or construct, build, or erect any addition, as defined herein, to any such residence without first obtaining a building permit for such construction, building, erection, remodeling project or addition, as set forth herein.
- 2. **Definitions.** As used in this Article, the following definitions shall apply:
 - 1. **Addition or remodel:** Any construction involving substantial changes, improvements, repairs or additions to a residence.
 - 2. **Homebuilder:** Any person who, in the pursuit of an independent business, undertakes to, or offers to undertake, or submits a bid to, or contracts or undertakes to construct, or assumes charge, in a supervisory capacity or otherwise, or manages the construction of a private residence on behalf of another person, or who, to do similar work upon his own property

with the intent to resell the private residence, employs members of one or more building trades upon a single job or project or under a single building permit.

3. Property Owner: Any person who assumes the responsibility of a homebuilder for the purpose of constructing their own personal single-family detached residence with the expressed intent of occupying said structure.
4. Person. Any natural person, limited or general partnership, association, corporation or other organization or entity, or any combination thereof.
5. Residence: Any dwelling, from one (1) to four (4) units in design, intended principally for residential purposes.

Applications for Permit to include Residential Building Contractor's License.

- (1) Homebuilders applying to the Department of Building Permits and Inspections for the issuance of a building permit for the construction of a residence, or for the construction of an addition or a remodeling project, with a value of \$20,000 or greater, shall include a copy of their current Residential Building Contractor's License issued by the Arkansas Contractor's Licensing Board pursuant to the provisions of the Arkansas State Residential Licensing Law Act 950 of 1999 (A.C.A. §17-25-501 et. seq.), as the same may be amended from time to time, together with the statement of the applicant that the said License, is currently in full force and effect.
- (2) A property owner who acts as a residential building contractor for the purpose of constructing his own personal residence need not submit proof of a Residential Building Contractor's License, provided that this person does not construct more than one (1) residence per calendar year.

Applications for Permit to include Certificate of Insurance.

- (1) All applications to the Department of Building Permits and Inspections for the issuance of a building permit for the construction of a residence, or for the construction of an addition or a remodeling project, with a value of \$20,000 or greater, shall include a certificate issued by an insurance company licensed to do business in the state of Arkansas that the applicant has procured and has in effect public liability and property damage insurance covering the applicant's homebuilding operations in the sum of not less than \$20,000 for injury or damage to property and \$50,000 for injury and damage, including death to any one person, and \$100,000 for injury or damage, including death to more than one person.

Concurrent Homebuilder Registration and Licensure Requirements.

- (1) The Residential Building Contractor's License Law Act 950 of 1999 (A.C.A. § 17-25-501 et. seq.), will become effective after July 1, 2001, and will supersede the Homebuilders Registration Law Act 859 of 1987 (A.C.A. § 17-47-101 et. seq.). Current homebuilders registrations were due to expire on November 30, 2000, and the homebuilder licensure law is scheduled to be effective after July 1, 2001. However, the Residential Building Contractor's Committee of the State Contractors Licensing Board is currently issuing residential building contractor's licenses to those homebuilders complying with the requirements for licensure as a residential building contractor.
- (2) In order to provide a smooth and workable transition between the requirements of Act 950 of 1999 and Act 859 of 1987, the City of Conway will accept either a current homebuilder registration issued by the Secretary of State's office as per Act 859 of 1987, or a residential building contractor's license issued by the State Contractors Licensing Board as per Act 950 of 1999, as meeting the requirements above from the date of the passage of this ordinance until July 1, 2001. Beginning on July 1, 2001, a homebuilder must comply with the requirements herein.

SECTION 2. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. The ability to properly inspect and permit residential construction is essential to the public health, safety and welfare, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 12th day of June, 2001.

APPROVED:



MAYOR TAB TOWNSELL

ATTEST:



MICHAEL O. GARRETT, CITY CLERK