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by

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**ORDINANCE NO. O-07-108**

**AN ORDINANCE CLARIFYING PROCEDURES AND PERMIT REQUIREMENTS AND PROVIDING FOR THIRD PARTY REVIEW OF FIRE CODE REQUIREMENTS FOR BUILDING CONSTRUCTION OR ALTERATION; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Conway finds it beneficial to clarify procedures and permit requirements and providing for third party review of fire code requirements for building construction or alteration;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**Section 1.** In accordance with Sections 104, 105, and 106 of the 2002 Arkansas Fire Prevention Code) AFPC Volumes I and II, the following information outlines construction document submittal requirements for the City of Conway.

**Section 2.** When local permits are obtained for the construction or substantial remodeling of any;

- a) Asylums, hospitals, nursing or convalescent homes, regardless of capacity.
- b) Schools and educational institutional having a capacity in excess of fifty (50) pupils, and residence buildings, including dormitories, having sleeping accommodations for fifty (50) or more persons.
- c) Auditoriums, theaters, indoor stadiums, gymnasiums.
- d) Department stores or factories having a capacity in excess of two hundred (200) persons.
- e) Any other building containing hazardous occupancies if located within the City.

**Section 3.** As part of the permit process, the City of Conway will require specific submittals as outlined in this document. Submittals including zoning, planning, and detailed building plans shall be submitted directly to the City of Conway with appropriate fees for review prior to obtaining a permit.

**Section 4.** As established by the Building Official or the Fire Marshal, a code review of submittal documents necessary to ensure compliance with the Arkansas Fire Prevention Code and local regulations shall be performed by a third-party review agency approved in advance by the City of Conway. Such submittals will include, but are not limited to, hazardous materials inventory statements, hazardous materials storage/dispensing/use documents, fire protection shop drawings, life safety plans, design analysis for large or hazardous projects, and other projects requiring technical expertise or resources of an outside agency. In accordance with the Arkansas Fire Prevention Code, the City may require third-party inspections to be performed to ensure compliance with submitted documents. To be approved as a third-party review or inspection agency, services shall be performed by individuals having a minimum of twenty (20) hours documented annual training related to applicable codes and/or standards, and shall be either certified in the respective plan review or inspection field by a nationally recognized evaluation agency approved by the jurisdiction or shall be directly employed with and have the direct oversight of a registered architect/engineer, or a Certified Building Official (CBO) of the International Code Congress, Plan reviewers and inspectors shall each be members in good standing of at least one nationally recognized code development organization. Upon formal

review by the City of Conway other criteria considered as demonstrating an equal level of qualifications may be approved. The owner/designer/installer is responsible for all associated fees charged by the third-party agency.

**Section 5.** The third-party review agency shall establish how many copies of submittal documents are required to be submitted and the format in which the documents shall be submitted. The third-party review agency shall maintain either an electronic or hard copy of reviewed documents. Reviewed "Accepted" or "Accepted as Noted" documents shall be maintained for a period of not less than ninety (90) days following the projected construction completion date of the project as provided by the applicant at time of submittal. Documents that are reviewed and "Not Accepted" shall be maintained for a minimum of sixty (60) days following the review. The review agency shall forward one (1) set of reviewed documents and comments to the respective jurisdiction within two (2) business days of completing each respective review. At least one electronic or hard copy of reviewed documents shall be returned to the submitter as agreed to by the submitter and reviewer. Electronic file(s) of accepted documents, in a file format acceptable to the City, shall be received by the City within fifteen (15) business days following the accepted review. Submittal of the electronic files shall be the responsibility of the reviewing agency and shall be in a format approved by the City. Where required, inspection reports shall be submitted to the City or designated agent for review and entering before a certificate of occupancy or use can be issued.

**Section 6.** The City of Conway reserves the authority for final acceptance or rejection of construction documents. The jurisdiction reserves the authority to provide additional comments and or requirements, or to modify specific comments of the review agency. If the City of Conway identifies any additional comments, requirements, or modifications the City of Conway will attempt to notify the submitter within ten (10) business days of submittal documents being returned from the review agency. The ten (10) day period starts from the day the submittals are received from the review agency. In all cases the design documents and final construction shall comply with all applicable codes and/or formally documented and approved alternative methods and/or materials in accordance with the Arkansas Fire Prevention Code.

**Section 7.** Any challenges to a third-party review comment by a submitter, designer, or owner's representative shall be directed back to the third-party review agency. Only when an obvious conflict exists between the review comment and a code requirement or local regulation and when the issue can not be resolved with the reviewing agency shall the submitter approach the jurisdiction for intervention.

**Section 8.** Documents shall be stamped as "Reviewed for Compliance" and shall indicate as to "Accepted", "Accepted as Noted", or "Not Accepted." Documents stamped as "Accepted" have been found to be in compliance with minimum requirements and are thereby recommended for issuance of a permit. Documents stamped as "Accepted as Noted" are recommended for issuance of a permit as long as the code related comments noted on the documents or attached to the documents are followed by the submitter and/or installation personnel. By beginning installation with plans stamped "Accepted as Noted" the submitter/owner/installers are agreeing to comply with the criteria indicated. Documents stamped as "Not Accepted" have been found deficient and require a new submittal based on comments. Review by neither the third-party agency or the City of Conway implies that the documents are in 100% compliance with the code requirements. Code compliance is the responsibility of the respective designers/installers/owner.

**Section 9.** The third-party agencies duty is limited to reviewing documents or inspecting work for code compliance as outlined by the Arkansas Fire Prevention Codes or written local

regulations on behalf and under the direction of the City of Conway. The City of Conway retains final authority over review of the documents and inspection of work. Correction comments shall include references to applicable codes, standards, or ordinances. The third-party agency acting under the authority of the City of Conway and acting in good intent of providing code related review services shall not be liable for code deficiencies in accordance with the Arkansas Fire Prevention Code and this ordinance. Review/Inspection agencies and/or submitters are responsible for submitting requested documentation to the City of Conway for evaluation of third-party review agencies not previously approved. Although the City of Conway will review and evaluate what it considers to be qualified, the City of Conway shall not be held liable for any services, deficiencies, omissions, or contractual obligations between a third-party and a submitter. Those submitting documents for review in order of obtaining a permit from the City of Conway or obtaining third-party inspections are individually responsible for evaluating agencies that will provide the level of services expected.

**Section 10.** No person shall begin to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by said code, or to cause any such work to be done until such time as a permit for such action has been issued by the City of Conway or its designated agent. Such permit shall be visibly posted at the respective property. Where required, inspections shall be scheduled, conducted, documented, and submitted as outlined on the respective permit.

**Section 11.** That any person in violation of this ordinance shall be guilty of an unclassified misdemeanor, and upon conviction, shall be punished by a fine of not less than \$300 dollars and no more than \$800 dollars, and if such violation be continued, each day's violation shall be a separate offense.

**Section 12.** That any ordinance in conflict herewith is hereby repealed to the extent of that conflict.

**Section 13.** That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

**PASSED** this 28<sup>th</sup> day of August, 2007

**Approved:**

  
**Mayor Tab Townsell**

**Attest:**

  
**Michael O. Garrett**  
City Clerk/Treasurer