

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building Code
- 11.32 Mechanical Code
- 11.36 Fair Housing

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Building permit surcharge assessed

11.04.01 Required The owner of any land situated within the incorporated limits of the city shall neither construct nor allow construction or placement, on such land, of any building or structure of a type set forth in the sub-paragraphs (a) through (c) below, without having obtained a building permit from the city. The aforementioned permit will likewise be required in event of remodeling or repair of such structure, but only if the cost exceeds fifty percent (50%) of their present value.

- A. Single-family residence.
- B. Multiple-family residence.
- C. Any building in which, or from which, any business, commercial enterprise, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.

11.04.02 Application The application for any building permit by this chapter will be submitted by the land owner concerned to the City Inspector, at City Hall, in duplicate copy, and shall contain at a minimum the following:

- A. Name, mailing address, and telephone number of the applicant;
- B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter);
- C. Location of the building site;
- D. Outside dimensions of the proposed building or addition;
- E. Construction materials to be used for the foundation, floor, and exterior walls;
- F. Manner in which the proposed building will be anchored to the foundation;
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:
 - 1. Prior to any grading or leveling
 - 2. After grading and leveling; and
- H. Date on which construction is proposed to begin.

11.04.03 Fees. A fee according to a schedule established by the City Council will be charged for each building permit issued. Payment of said amount will accompany each permit application submitted, with such payment to be returned in event the application is denied.

11.04.04 Building permit surcharge assessed Under the provisions of Acts 474 and 785 of 1999, there is hereby assessed a building permit fee surcharge of 50 cents (\$.50) per thousand dollars (\$1,000) of non-residential permit cost not to exceed the sum of \$1,000. This surcharge shall be effective on and after July 1, 1999, and shall be remitted monthly to the Arkansas Department of Finance and Administration. The city or town shall keep five percent (5%) of the gross amount to cover the cost of administration

The code enforcement personnel of the city or town of Bald Knob or the Mayor or his/her designee shall be responsible for the collection and implementation of this fee. Copies of said records shall be kept in the office of the Clerk/Treasurer and be available for inspection during normal business hours of the city or town of Bald Knob .

STATE LAW REFERENCE: See Acts 474 and 785 of 1999.

CHAPTER 11.08

PLUMBING CODE

Sections:

- 11.08.01 Adopted
- 11.08.02 Enforcement
- 11.08.03 Appeal

11.08.01 Adopted. That there is hereby adopted by the city of Bald Knob, Arkansas, that certain code known as the Arkansas State Plumbing Code, being particularly the Arkansas State Plumbing Code of 1970 edition as amended thereof, and the whole thereof of which not less than one (1) copy has been and is now on file in the office of the Clerk/Treasurer of the city of Bald Knob, Arkansas, the same having been opened to and available for public inspection as set forth in notice by publication thereof, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date upon which the ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the city of Bald Knob, Arkansas.

11.08.02 Enforcement. That in all instances where said code refers to an enforcing officer or official, the same shall be the Mayor of the city of Bald Knob, Arkansas, or his designated representative or officer.

11.08.03 Appeal. That in all provisions concerning appeal from the decision of the enforcing officer or official, the Board of Appeals of said code shall be the Planning Commission of the city of Bald Knob, Arkansas.

CHAPTER 11.12

ELECTRICAL CODE

Sections:

11.12.01	Adoption of electrical code
11.12.02	Appointment of the Code Enforcement Officer
11.12.03	Duties
11.12.04	Permits
11.12.05	Inspection
11.12.06	Standards
11.12.07	Qualification
11.12.08	Failure to comply
11.12.09	License to individual

11.12.01 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 electrical code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer of the city of Bald Knob, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment of the Code Enforcement Officer The Code Enforcement Officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the City Council.

11.12.03 Duties. He shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed and guarded so as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code. Whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture or improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Permits. No installation, alteration or removal shall be made in or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations be made thereto without a written permit therefor being first obtained from the city license issuing clerk by the person, firm or corporation having direct charge of such installation, alteration or removal.

11.12.05 Inspection. Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person, firm or corporation having direct charge of such to notify the Code Enforcement Officer who shall, as early as possible, inspect such wiring, installation, appliance and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the regulations of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motor, heat devices and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards. All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed; however, the necessity, good service and said results often require larger sizes of wire, more branch circuits and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Code Enforcement Officer supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.07 Qualification. No license shall be issued until the party applying for same has given satisfactory evidence to the Code Enforcement Officer of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.08 Failure to comply. Any person, firm or corporation who shall fail to correct any defect or defects in his or their work or to meet the required standards after having been given notice of the unfit condition by the Code Enforcement Officer within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the Code Enforcement Officer shall have authority, after due notice, to cut electric current in the locality concerned.

11.12.09 License to individual. Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- 11.16.01 Adoption of fire prevention code
- 11.16.02 Enforcement
- 11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquified petroleum gases and storage of explosives and blasting agents is to be restricted
- 11.16.04 Modifications
- 11.16.05 Appeals
- 11.16.06 Penalties

11.16.01 Adoption of fire prevention code. There is hereby adopted by the city of Bald Knob, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code and NFPA 101, of which code not less than one (1) copy has been and is now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality.

11.16.02 Enforcement. The code hereby adopted shall be enforced by the Chief of the Fire Department of the municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquified petroleum gases and storage of explosives and blasting agents is to be restricted. The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquified petroleum gas is restricted, and the limits referred to in Section 53 B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District;
- B. Within fifteen hundred (1500) feet of any building structure in any built up area within the corporate limits of the city.

With the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquified petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 11.16.04.

11.16.04 Modifications. The Chief of the Bald Knob Fire Department shall have the 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 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 decisions of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.05 Appeals. Whenever the Chief of the 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 governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.06 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, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) 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 defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

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

CHAPTER 11.20

HOUSING CODE

Sections:

11.20.01	Adoption of
11.20.02	Housing Official
11.20.03	Board of Appeals
11.20.04	Duties of Housing Official
11.20.05	Right of entry

11.20.01 Adoption of. There is hereby adopted by the City Council of the city of Bald Knob, Arkansas, that certain code of health and housing standards known as the Standard Housing Code, of which not less than one (1) copy has been and is now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling on all dwellings and premises within the city limits.

11.20.02 Housing Official.

- A. The office of Housing Official is hereby created.
- B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

11.20.03 Board of Appeals. There is hereby created a Board of Housing Appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council of the city of Bald Knob, Arkansas. The Board shall act by a majority vote of the members present. Said Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Housing Official in the enforcement of this chapter.

11.20.04 Duties of Housing Official. It shall be the duty of the Housing Official to enforce all laws and provisions specified in the herein adopted Standard Housing Code.

11.20.05 Right of entry. The Housing Official, in the discharge of his official duties, and upon proper identification, shall have the authority to enter any building structure or premises at any reasonable hour.

CHAPTER 11.24

CONDEMNED STRUCTURES

Sections:

11.24.01	Unlawful
11.24.02	Condemnation required
11.24.03	Description of property, reason for condemnation
11.24.04	Notice
11.24.05	Removal
11.24.06	Duties of Building Inspector
11.24.07	Proceeds of sale
11.24.08	Enforcement of lien
11.24.09	Penalty
11.24.10	Judicial condemnation, penalty, previous sections applicable

11.24.01 Unlawful. That is shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the city of Bald Knob, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 201, Sec. 1.)

11.24.02 Condemnation required. That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 201, Sec. 2.)

11.24.03 Description of property, reason for condemnation. That the resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.(Ord. No. 201, Sec. 3)

11.24.04 Notice. After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner or owners thereof, if the whereabouts of said owner or owners be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 201, Sec. 4.)

11.24.05 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and removed or said nuisance otherwise abated within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or

structure constituting the nuisance, it will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 201, Sec. 5.)

11.24.06 Duties of Building Inspector. The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 201, Sec. 6.)

11.24.07 Proceeds of sale. All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the Clerk/Treasurer. If any such house, building and/or structure, or the saleable materials therefrom be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city of Bald Knob, Arkansas, plus any fine or fines imposed, the balance thereof will be returned by the Clerk/Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 201, Sec. 7.)

11.24.08 Enforcement of lien. If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Chancery Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 201, Sec. 8.)

11.24.09 Penalty. A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council of the city of Bald Knob, Arkansas, thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.24.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance.(Ord. No. 201, Sec. 9.)

11.24.10 Judicial condemnation, penalty, previous sections applicable. In the event it is deemed advisable by the City Council of the city of Bald Knob, Arkansas, that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or any other person or persons referred to in Section 11.24.06 of this ordinance will take such action as provided in Section 11.24.06 hereof, and Section 11.24.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 201, Sec. 10.)

CHAPTER 11.28

BUILDING CODE

Sections:

- 11.28.01 Adoption of Building Code
- 11.28.02 Establishment of office of Building Official
- 11.28.03 Establishment of Housing Board of Appeals
- 11.28.04 Duties of Building Official
- 11.28.05 Right of entry

11.28.01 Adoption of Building Code. There is hereby adopted by the City Council of the city of Bald Knob, Arkansas, that certain building code known as Part IV - Housing, the

"Southern Standard Building Code", of which not less than three (3) copies have been and are now filed in the office of the Clerk of the city of Bald Knob, Arkansas, and the same are 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 Bald Knob, Arkansas. (Ord. No. 101, Sec. 1.).

11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby created.
- B. The Building Official shall be appointed by the Mayor subject to confirmation of the City Council. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges. (Ord. No. 101, Sec. 2.)

11.28.03 Establishment of Housing Board of Appeals

- A. There is hereby created a Board of Housing appeals which shall consist of five (5) members appointed by the Mayor subject to confirmation of the City Council. One member shall be appointed to serve one (1) year, two members to serve two (2) years, and two members to serve three (3) years.
- B. This Board shall act by majority vote of the members present.
- C. Said Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Building Official in the enforcement of this ordinance. (Ord. No. 101, Sec. 3.)

11.28.04 Duties of Building Official. It shall be the duty of the Building Official to enforce all laws and provisions specified in Part IV - Housing, southern Standard Building code. (Ord. No. 101, Sec. 4.)

11.28.05 Right of entry. The Building Official, 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. 101, Sec. 5.)

CHAPTER 11.32**MECHANICAL CODE****Sections:**

11.32.01	Adopted
11.32.02	Amendments
11.32.03	Controlling code
11.32.04	Penalty

11.32.01 Adopted There is hereby adopted by the city of Bald Knob the Arkansas Mechanical Code, or the most recent edition, thereof, save and except such portions as amended in Section 2 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings, and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For the purpose of the ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the “Administrative Authority” authorized to enforce the provisions of the Mechanical Code. (Ord. No. 97-2, Sec. 1.)

11.32.02 Amendments The most recent edition of the Arkansas Mechanical Code is a minimum code for the state. This section is for any changes that a city desires to make from the Arkansas Mechanical code, to increase the severity of the code, and including, but not limited to fees. If the fees are not to be amended, Appendix B, Schedule of Permit Fees, shall be specifically adopted. Likewise Appendix A, Guideline for Estimating Heat Loss and Gain, shall also be specifically adopted. (Ord. No. 97-2, Sec. 2.)

11.32.03 Controlling code Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Bald Knob, Arkansas, and the same are hereby adopted and incorporated, as amended, as if the set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Bald Knob, Arkansas, except as regulated by other ordinances of the city of Bald Knob Municipal Code. (Ord. No. 97-2, Sec. 3.)

11.32.04 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance or other provisions shall be punishable by a fine up to Two Hundred Fifty Dollars (\$250.00). Each day shall constitute a separate violation and shall be punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 97-2, Sec. 4.)

CHAPTER 11.36**FAIR HOUSING****Sections:**

11.36.01	Discrimination prohibited
11.36.02	Unfair housing practices
11.36.03	Exceptions
11.36.04	Applicability
11.36.05	Complaint procedure
11.36.06	Penalty

11.36.01 Discrimination prohibited It is further declared to be the policy of the city of Bald Knob to assure full and equal and opportunity to all residents of the city to obtain fair and adequate housing for themselves and their families in the city of Bald Knob without discrimination against them because of their race, color, sex, religion, age, handicap, national origin or familial status in the terms, conditions or privileges, or the sale, rental or lease of any housing accommodations or in the furnishing of facilities in connection therewith. (Ord. No. 2015-1, Sec. 1.)

11.36.02 Unfair housing practices It shall be an unfair housing practice and unlawful for any owner, lessee, sub lessee, assignee, managing agent or other person, firm or corporation having the right to sell, rent, lease or sublease any housing accommodation within the city of Bald Knob or any agent of any of these or any real estate broker licensed as such:

- A. To make any distinction, discrimination or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any real estate used for residential purposes in the city of Bald Knob or in the furnishing of any facilities or services in connection therewith, predicated upon the race, color, sex, religion, age, handicap, national origin or familial status of the prospective or actual buyer or tenant thereof.
- B. To publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to the sale, rental or leasing of any residential real property within the city of Bald Knob which will indicate or express any limitation or discrimination in the sale, rental or leasing of such residential real estate, predicated upon the race, color, sex, religion, age, handicap, national origin or familial status of any prospective buyer, lessee or renter of such property.

- C. To refuse to sell, lease or rent any estate for residential purposes within the city of Bald Knob because of the race, color, sex, religion, age, handicap, national origin or familial status of the proposed buyer or renter.
- D. To discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any residential housing unit or housing accommodation in the city of Bald Knob because of race, color, sex, religion, age, handicap, national origin or familial status.
- E. To deliberately and knowingly refuse examination of any listing of residentially zoned real estate or commercially zoned real estate which may have a residence on the property within the city of Bald Knob to any person because of race, color, sex, religion, handicap, national origin or familial status. (Ord. No. 2015-1, Sec. 2.)

11.36.03 Exceptions No provision of this ordinance shall be construed to prohibit any of the following:

- A. Restricting rental or sale of a housing accommodation to a person of a certain age group
 - 1. When such housing accommodation is authorized, approved, financed or subsidized in whole or in part for the benefit of that age group by a unit of the state, local or federal government; or
 - 2. When the duly recorded initial declaration of a condominium community association limits such housing accommodations to persons above the age of fifty (50), provided that a person or the immediate family of a person owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction as long as the person or the person's immediate family continue to own or reside in the housing accommodation.
- B. A religious organization, association or society or any not-for-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons of the same religion, unless membership in such religion is restricted on account of race, color or national origin.

- C. Restricting the rental of rooms in a housing accommodation to persons of the same sex. (Ord. No. 2015-1, Sec. 3.)

11.36.04 Applicability Any owner, lessee, sub lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent or lease any housing accommodation within the city of Bald Knob who shall exercise any function of selling, renting, or leasing or subleasing any housing accommodation within the city of Bald Knob shall be deemed subject to all applicable provisions hereof. Any real estate broker who shall exercise any function of a real estate broker within the city of Bald Knob shall be subject to all applicable provisions hereof. (Ord. No. 2015-1, Sec. 4.)

11.36.05 Complaint procedure Any person aggrieved in any manner by any violation of this ordinance may file a written complaint with the Code Enforcement Official of the city of Bald Knob. The complaint shall include the name and address of the complainant and of every person against whom the complaint is made and shall set out the facts giving rise to the complaint. No persons shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation of a complaint. (Ord. No. 2015-1, Sec. 5.)

11.36.06 Penalty Any owner, lessee sub lessee, assignee, managing agent or other person, firm, corporation or real estate broker, who shall violation or fail to comply with any of the provisions of this ordinance, as determined by the investigation by the Code Enforcement Official of the city of Bald Knob, shall be punished by a fine in any sum not to exceed Five Hundred Dollars (\$500.00). Nothing herein contained shall be construed so as to preclude any aggrieved person from pursuing such other and further legal and equitable relief to which he may be entitled. (Ord. No. 2015-1, Sec. 7.)