

ORDINANCE NO. 2018- 1

**AN ORDINANCE TO REVISE TITLE 11 OF THE PRAIRIE GROVE  
MUNICIPAL CODE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,  
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2018 Title 11 Amendment  
Ordinance.

Section Two: Title 11 Replaced. From and after the effective date of this Ordinance, Title 11 of  
the Prairie Grove Municipal Code is hereby repealed and replaced with the following:

**TITLE 11**

**BUILDINGS AND CONSTRUCTION**

Chapters:

- 11.01 Fee Waivers
- 11.02 Building Official
- 11.04 Electrical Code
- 11.08 Plumbing Code
- 11.12 Property Management Code
- 11.16 Fire Prevention Code
- 11.20 Fuel Gas Code
- 11.24 Mechanical Code
- 11.28 Energy Code
- 11.32 Moving of Buildings
- 11.36 Condemnation of Buildings
- 11.40 Use of RVs for Housing
- 11.44 Fences and Walls
- 11.48 Landscaping
- 11.52 Stormwater Pollution Control

## **CHAPTER 11.01**

### **FEE WAIVERS**

**11.01.01 Fee Waivers.** Any alderman may present a resolution for consideration to the City Council to waive or reduce any fee required by Title 11 of the Prairie Grove Municipal Code, when:

- A. The work is being conducted by a non-profit organization or church; and
- B. The waiver or reduction would serve the public interest, alleviate an unfair burden upon an applicant, or be beneficial to the City as a whole.

## **CHAPTER 11.02**

### **BUILDING OFFICIAL/ENFORCEMENT**

**11.02.01 Office of Building Official.** There is hereby created within the City of Prairie Grove, Arkansas the office of Building Official. The Building Official shall be the person responsible for all activities, including permitting, inspections and enforcement of the adopted codes within Title 11 of the Prairie Grove Municipal Code, including, but not limited to: the Plumbing Code; the Electrical Code; the Fire Prevention Code; the Mechanical Code; the Fuel Gas Code; the Property Maintenance Code; and the Energy Code.

**11.02.02 Authority/Right of Entry.** The Building Official shall have the right to enter upon any property, building or structure located within the corporate limits of the City, and any property, building or structure located outside the corporate limits of the City but connected to the City's water system, at any reasonable time, pursuant to their duties under this Title 11.

**11.02.03 Enforcement.** Whenever the Building Official shall determine that any condition exists which violates one or more of the adopted codes herein, he is authorized to undertake the following enforcement actions.

- A. **Notice of Violation.** The Building Official shall issue a written Notice of Violation to the person responsible for the violating condition, stating the address of the property, specifying the nature of the violation, describing the remedial actions needed to bring the violating condition into compliance, and stating a deadline for compliance. If the person responsible for the violating condition is a sub-contractor, the Notice of Violation shall be served on the contractor as soon as practicable.
- B. **Stop Work Order.** If a Notice of Violation issued above is not complied with, the Building Official is authorized to issue a Stop Work Order, which shall demand that all work at the site cease immediately until the

violating condition is remedied. The Stop Work Order shall be posted on the property and served on the contractor or owner.

- C. Further Work. If any work continues at the site in violation of the Stop Work Order, the owner or contractor shall be guilty of a misdemeanor and fined an amount of not less than \$100.00 and not more than \$250.00. Every day such violation continues shall be a separate offense.
- D. Removal of Work. The Building Official shall have the authority to order the removal of non-conforming work or work which prevents the inspection of non-approved work in order to conduct such inspection. Should the responsible party not remove the work, the Building Inspector is authorized to remove the work themselves in order to conduct such inspection.
- E. Service. Service for the purpose of this Chapter shall mean the following:
  - 1. Posting of the notice in a conspicuous place on the property; and either,
  - 2. Personal service on the owner of the property, the contractor, or the person responsible for the work; or
  - 3. Mailing a copy of the notice to the owner of the property, the contractor or the person responsible for the work by certified mail return receipt requested at their last known address. Should the letter be returned undelivered, the posting of notice under subsection 1. above shall suffice.

11.02.04 Appeal. The City Planning Commission is hereby designated as the board of appeals for decisions of the Building Official under the various adopted codes.

## **CHAPTER 11.04**

### **ELECTRICAL CODE**

11.04.01 Adoption by Reference. There is hereby adopted by the City Council, by reference thereto, the Electric Code provisions set forth by the Arkansas Board of Electrical Examiners, as may from time to time be amended and adopted by the State of Arkansas, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the National Electrical Code, 2017 edition, of the National Fire Protection Association.

11.04.02 Designated Official. The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Electrical Code.

11.04.03 Duties. The Building Official shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of

electrical wires or 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 as not to cause fires or accidents, endangering life or property, and to be constructed as to keep to a minimum the loss or waste of electric current. It shall be the duty of the Building Official to enforce all provisions of this Chapter and they are hereby granted the authority to enter all buildings in the City in the performance of their duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the Building Official may enter buildings for such purposes at other than the designated hours. It shall be the duty of the Building Official 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, improper or insufficient insulation, improper installation, or for any other reason, they shall at once cause the removal of such defect or defects at the expense of the owners of such wiring, appliance or apparatus.

11.04.04 Permits. No installation, alterations, 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 made thereto without a written permit being first obtained from the City.

11.04.05 Inspections. 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 Building Official 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 the applicable requirements of this Chapter, they shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of the 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, requirements and spirit of this Chapter, nor shall current be turned on such installation, equipment, appliance, motor, heating device and apparatus until said certificate be issued.

11.04.06 Liability Insurance Required. Every Master Electrician applying for a permit shall carry liability insurance as set forth below:

General aggregate	\$100,000.00
Personal	\$100,000.00
Each occurrence	\$100,000.00

11.04.07 Exemptions. The following shall be exempt from the provisions set forth herein:

A. Any construction, installation, maintenance, repair, or renovation related to a public utility, electrical cooperative, publicly owned and operated power

plants, water or wastewater treatment plant, and publicly owned property whose primary function is not primarily intended for the use of general public including but not limited to mechanical systems, maintenance facilities, traffic control systems, and municipal lighting.

B. A permit is not required for minor repairs, replace of fuses or lamps, or the connection of portable electrical equipment to permanently installed receptacles.

C. A permit may be issued to a property owner to install electrical installations in a single-family residence, provided the property owner does the work themselves, and the building is owned and occupied by such owner as their home, as demonstrated by continual occupancy for at least six months duration. Such electrical work shall comply with the requirements of this Chapter.

11.04.08 Power company.

A. An electrical utility company shall not install a meter before approval is received from the Building Official when there have been installations, changes, additions, alterations or repairs to the electrical systems.

B. An electrical utility company shall not install a meter when faulty electrical wiring is evident and a hazard exists.

11.04.09 Miscellaneous provisions.

A. Standard switches, household light switches, or toggle switches shall not be used in place of a disconnect or circuit breaker for mechanical systems or equipment. All equipment shall be equipped with a standard grounded plug and receptacle or a mechanical disconnect in an approved, lockable box.

B. Any connection to existing electrical equipment or wiring that does not meet current code requirements shall be replaced and updated to meet current code provisions from the point of connection to an approved location of approved disconnect, circuit breaker, or to a location which replaces all sections of non-complying wires and/or equipment.

11.04.10 Failure to comply. Any person, firm, or corporation who shall fail to correct any defect or defects in their work or to meet the required standards after having been given notice of the unfit condition by the Building Official, 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 Building Official shall have the authority, after due notice, to disconnect electric current to the property concerned.

11.04.11 Penalties. Any person, firm or corporation found guilty of violating any of the provisions of this Chapter shall be subject to a fine of not less

than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day during which such violation continues shall be a separate offense.

11.04.12 Fees.

Minimum permit fee	\$15.00
Service up to 100 amps	\$ 8.00
Each additional 100 amps	\$ 5.00
1-10 openings	\$17.00 total
Each additional opening	\$ 0.30 each
Yard line	\$ 2.50
Solar panel installation (1-10)	\$20.00
All over 10 panels	\$ 2.00 each
Backup generators	\$25.00
Re-establish service	\$ 8.00
Each re-inspection	\$25.00
Remodel/repair service drops	\$20.00
Working without a Permit Fee	\$150.00

**CHAPTER 11.08**

**PLUMBING CODE**

11.08.01 Adoption by Reference. There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Plumbing Code, with State adopted appendices, as may from time to time be amended and adopted by the State of Arkansas, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the Arkansas Plumbing Code, 2006 edition as amended in September 2008.

11.08.02 Designated Official. The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Plumbing Code.

11.08.03 Duties. The Building Official shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of plumbing in the City and to cause all such plumbing to be placed, constructed and guarded in compliance with the provisions and spirit of this Chapter. It shall be the duty of the Building Official to enforce all provisions of this Chapter and they are hereby granted the authority to enter all buildings in the City in the performance of their duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the Building Official may enter buildings for such purposes at other than the designated hours. It shall be the duty of the Building Official to inspect and/or test all plumbing work and equipment or apparatus for compliance with the Code. Whenever plumbing,

appliances or apparatus shall be defective or hazardous through improper manufacture, improper installation, or for any other reason, they shall at once cause the removal of such defect or defects at the expense of the owners of such plumbing, appliance or apparatus.

11.08.04 Permits. No installation, alterations, or removal shall be made in or of the plumbing of any building or structure, nor shall any building or structure be plumbed nor alterations made thereto without a written permit being first obtained from the City.

11.08.05 Inspections. Upon the completion of the plumbing of any building or structure, it shall be the duty of the person, firm or corporation having direct charge of such to notify the Building Official who shall as early as possible inspect such plumbing and if installed, altered and constructed in compliance with the permit and the applicable requirements of this Chapter, they shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of the examination, but no such certificate shall be issued unless such plumbing be in strict accord with the rules, requirements and spirit of this Chapter, nor shall water service be turned on such installation, equipment, appliance, or apparatus until said certificate be issued.

11.08.06 Liability Insurance Required. Every Master Plumber applying for a permit shall carry liability insurance as set forth below:

General aggregate	\$100,000.00
Personal	\$100,000.00
Each occurrence	\$100,000.00

11.08.07 Additional jurisdiction. As mandated by the Arkansas Department of Health, the requirements of this Chapter shall apply to all properties, plumbing installations, and facilities serviced by the Prairie Grove Water Department, whether within or outside the City limits.

11.08.08 Exemptions. The following shall be exempt from the provisions set forth herein:

A. A permit may be issued to a property owner to install plumbing in a single-family residence, provided the property owner does the work themselves, and the building is owned and occupied by such owner as their home, as demonstrated by continual occupancy for at least six months duration. Such plumbing work shall comply with the requirements of this Chapter.

B. A permit is not required for minor repairs to faucets, valves, supply lines, appliance fittings, or line blockages.

C. Nothing herein shall apply to public utilities, publicly-owned facilities, or public employees who are performing necessary plumbing connections to utility or City-owned mains, lines, equipment or buildings.

11.08.09 Street openings.

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

B. All openings must be replace in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalks clean and in perfect repair.

C. 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 person or property.

11.08.10 Cross connections.

The City Water Department and the Building Official are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the City water supply, by reason of the requirements of the Arkansas State Plumbing Code, the Arkansas Department of Health and the provisions of this Chapter having not been complied with.

The City Water Department and the Building Official are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the City water supply that exist. Upon determining said potential hazards, it shall be the duty of said department and Official to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected with thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirement of the Arkansas State Plumbing Code, the Arkansas Department of Health and this Chapter have been complied with.

11.08.11 Penalties. Any person, firm or corporation found guilty of violating any of the provisions of this Chapter shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day during which such violation continues shall be a separate offense.



11.08.12 Fees.

Minimum permit fee	\$15.00
Water heater	\$ 8.00
Additional fixtures	\$ 3.00 each
Concrete slab	\$ 8.00
Backflow device	\$20.00 each
Outside City	\$15.00
Yard lines	\$ 2.50 each
Each re-inspection	\$25.00
Working without a Permit Fee	\$150.00

**CHAPTER 11.12**

**PROPERTY MANAGEMENT CODE**

11.12.01 Adoption by Reference. There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the International Property Management Code as published by the International Code Commission, as may from time to time be amended, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the International Property Management Code, 2006 edition.

11.12.02 Designated Official. The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Property Management Code and shall be considered the "code official" under Section 103.1 and elsewhere in the Property Management Code.

11.13.03 Revisions. The following sections in the International Property Management Code are revised, amended or deleted to read as follows:

Section 101.1 The [NAME OF JURISDICTION] is amended to City of Prairie Grove, Arkansas.

Sections 103.2 and 103.3 are deleted. Section 103.4 is renumbered 103.2.

Section 103.5 is renumbered 103.3 and amended to read as follows: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Prairie Grove Municipal Code Title 11.

Section 111.1 "Board of appeals" shall be changed to "board of adjustment."

Section 111.2 is deleted.

Section 111.4 "two-thirds" shall be changed to "one-half."

Section 111.5 is deleted.

Section 111.6 is amended to read "The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of those present."

Sections 111.7 and 111.8 are deleted and replaced with the following:

Section 111.7 Appeal. Any party to an appeal shall have the right to appeal the decision of the board of adjustment to the City Council in accordance with the procedures for other appeals of decisions of the board of adjustment found elsewhere in the Prairie Grove Municipal Code.

Section 302.4 [HEIGHT IN INCHES] is amended to read six inches.

Section 304.14 is amended to read June 1st in the first location [DATE] is shown and September 30th in the second location [DATE] is shown.

Sections 602.3 and 602.4 are amended to read October 1st in the first location [DATE] is shown and April 30th in the second location [DATE] is shown.

## **CHAPTER 11.16**

### **FIRE PREVENTION CODE**

11.16.01 Adoption by Reference. There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Fire Prevention Code, Volumes I, II and III, with State adopted appendices, as may from time to time be amended and adopted by the State of Arkansas, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the Arkansas Fire Prevention Code, Volume I, II and III, 2012 edition.

11.16.02 Designated Official. The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Fire Prevention Code.

11.16.03 Duties. The Building Official shall have the duty and is hereby authorized, empowered and directed to regulate and enforce all requirements relating to the construction, alteration, removal, and demolition of buildings and structures. The Building Official shall have the right to enter any building or structure pursuant to their duties under this Chapter.

11.16.04 Permits.

A. No construction, alteration, renovation or demolition of any structure shall be made without a written permit being first obtained from the City.

B. Prior to the construction or renovation of any and all multi-family, commercial, and publicly-owned structures for which the cost of said construction or renovation shall exceed Seventy-Five Thousand Dollars (\$75,000.00), the owner of said property shall be required to submit a set of engineering plans for review and approval by the City Building Official, including engineered design standards for live and dead loads, snow loads (minimum 20 psi required), wind loads, occupant loads, and an ADA compliance statement. In addition, the City reserves the right for an independent review for plans which are unusual, special or which may require hazardous use of the buildings submitted for review. Any costs associated with independent review will be borne by the plan submitter.

C. All new occupancies of any type, of more than two (2) stories or greater than Twelve Thousand (12,000) square feet in area shall be sprinklered in accordance with the National Fire Protection Association Code (NFPA 13) standard for the installation of sprinkler systems, unless a variance is granted by the Board of Adjustment pursuant to procedures established in the Zoning Ordinance. This requirement does not apply to single-family residences.

D. When a building project remains idle or fails to make significant progress towards completion for a period of 90 days, the permit shall lapse. The same shall be subject to re-permitting at the full value of permit fees then in effect.

11.16.05 Inspections. Inspections shall be required as set forth in the applicable codes. Once a building or structure has passed all necessary inspections, the Building Official shall issue a certificate of occupancy.

11.16.06 Exemptions. The following shall be exempt from the provisions set forth herein:

A. Re-roofing of existing residential dwelling units, including detached garages and portable buildings or residential accessory buildings, shall not require a permit. However, the project is not exempt from meeting all code requirements, and in no case shall asphalt or fiberglass composite roofs ever exceed more than three layers of shingle. IN the case of new installation of roofing different than the roofing material to be covered, the roof shall be required to be torn down to structural roof sheathing before the new material is installed.

B. Accessory buildings meeting the requirements of portable as defined in the Zoning Ordinance 14.04.01 are not required to meet the building regulations adopted herein.

11.16.07 Penalties. Any person, firm or corporation found guilty of violating any of the provisions of this Chapter shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day during which such violation continues shall be a separate offense.

11.16.08 Fees.

A. For new construction, fees will be based on the heated square footage of the structure using the following schedule of fees.

Single-Family/Duplex

First 2,000 ft <sup>2</sup>	\$0.39/ft <sup>2</sup>
Next 2,000 ft <sup>2</sup>	\$0.36/ft <sup>2</sup>
All above 4,000 ft <sup>2</sup>	\$0.32/ft <sup>2</sup>

Multi-Family (all multiple housing units with more than 2 units under one roof)

First 4,000 ft <sup>2</sup>	\$0.42/ft <sup>2</sup>
Next 4,000 ft <sup>2</sup>	\$0.38/ft <sup>2</sup>
All above 8,000 ft <sup>2</sup>	\$0.35/ft <sup>2</sup>

Commercial/Public/Office

First 2,000 ft <sup>2</sup>	\$0.48/ft <sup>2</sup>
Next 8,000 ft <sup>2</sup>	\$0.42/ft <sup>2</sup>
All above 10,000 ft <sup>2</sup>	\$0.36/ft <sup>2</sup>

Industrial

First 5,000 ft <sup>2</sup>	\$0.50/ft <sup>2</sup>
Next 15,000 ft <sup>2</sup>	\$0.44/ft <sup>2</sup>
All above 20,000 ft <sup>2</sup>	\$0.38/ft <sup>2</sup>

Remodels/Alterations. For remodels, alterations, re-roofs or structural work that does not entail expansion of the existing footprint of a structure, permit fees will be based on the estimated cost of the work, using the following schedule of fees:

First \$1,000.00 of work	\$20.00
All over \$1,000.00	\$5.00 per thousand or part thereof

Demolition. For demolition of any structure, a demolition permit fee of \$10.00 shall be required. All utilities shall be capped and/or properly disconnected and the ground surface returned to surrounding grade and seeded/sodded.

Re-Inspections Whenever a building or structure fails for any reason, to pass an inspection, there will be an additional fee of \$25.00 for each re-inspection required.

Working without a Permit \$150.00

## **CHAPTER 11.20**

### **FUEL GAS CODE**

11.20.01 Adoption by Reference. There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Fuel Gas Code, with State adopted appendices, as may from time to time be amended and adopted by the State of Arkansas, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the Arkansas Fuel Gas Code, 2006 edition.

11.20.02 Designated Official. The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Fuel Gas Code.

11.20.03 Duties. The Building Official shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of piping and gas-fuel appliances and equipment in the City and to cause all such piping, appliances or apparatus to be placed, constructed and guarded as not to cause fires or accidents, endangering life or property. It shall be the duty of the Building Official to enforce all provisions of this Chapter and they are hereby granted the authority to enter all buildings in the City in the performance of their duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the Building Official may enter buildings for such purposes at other than the designated hours. It shall be the duty of the Building Official to inspect and/or test all gas piping work and equipment or apparatus for compliance with the Code. Whenever piping, appliances or apparatus shall be defective or hazardous through improper manufacture, improper installation, or for any other reason, they shall at once cause the removal of such defect or defects at the expense of the owners of such piping, appliance or apparatus.

11.20.04 Permits. No installation, alterations, or removal shall be made in or of the piping of any building or structure, nor shall any building or structure be piped for fuel gas, appliances, motors, apparatus, or heating devices

nor alterations made thereto without a written permit being first obtained from the City.

11.20.05 Inspections. Upon the completion of the piping, installation or alteration of any building or structure for fuel gas, it shall be the duty of the person, firm or corporation having direct charge of such to notify the Building Official who shall as early as possible inspect such piping, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and the applicable requirements of this Chapter, they shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of the examination, but no such certificate shall be issued unless such piping, appliances and apparatus be in strict accord with the rules, requirements and spirit of this Chapter, nor shall fuel be turned on such installation, equipment, appliance, motor, heating device and apparatus until said certificate be issued.

11.20.06 Liability Insurance Required. Every Master Plumber applying for a permit shall carry liability insurance as set forth below:

General aggregate	\$100,000.00
Personal	\$100,000.00
Each occurrence	\$100,000.00

11.20.07 Exemptions. The following shall be exempt from the provisions set forth herein:

A. A permit may be issued to a property owner to install gas fittings or connections in a single-family residence, provided the property owner does the work themselves, and the building is owned and occupied by such owner as their home, as demonstrated by continual occupancy for at least six months duration. Such plumbing work shall comply with the requirements of this Chapter.

B. Nothing herein shall apply to a publicly-owned or regulated gas company, its agents, servants, and employees conducting its business under the franchise granted by the City in the installations, repair, maintenance, removal, or replacement of gas piping machinery or equipment owned or operated by the gas utility company.

11.20.08 Penalties. Any person, firm or corporation found guilty of violating any of the provisions of this Chapter shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day during which such violation continues shall be a separate offense.

11.20.09 Fees.

1-5 connections	\$17.50
All additional connections over 5	\$ 1.50 each
Yard line	\$ 2.50 each

Each re-inspection	\$25.00
Working without a Permit Fee	\$150.00

## CHAPTER 11.24

### MECHANICAL CODE

11.24.01 Adoption by Reference. There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Mechanical Code, with State adopted appendices, as may from time to time be amended and adopted by the State of Arkansas, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the Arkansas Mechanical Code, 2010 edition.

11.24.02 Designated Official. The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Mechanical Code.

11.24.03 Duties. The Building Official shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of HVACR appliances and equipment in the City and to cause all such appliances or apparatus to be placed, constructed and guarded as not to cause fires or accidents, endangering life or property. It shall be the duty of the Building Official to enforce all provisions of this Chapter and they are hereby granted the authority to enter all buildings in the City in the performance of their duties between the hours of 8:00 a.m. and 5:00 p.m. daily, except that in emergency and within the limits of reason, the Building Official may enter buildings for such purposes at other than the designated hours. It shall be the duty of the Building Official to inspect and/or test all HVACR work and equipment or apparatus for compliance with the Code. Whenever piping, appliances or apparatus shall be defective or hazardous through improper manufacture, improper installation, or for any other reason, they shall at once cause the removal of such defect or defects at the expense of the owners of such piping, appliance or apparatus.

11.24.04 Permits. No installation, alterations, or removal shall be made in or of the HVACR systems of any building or structure without a written permit being first obtained from the City.

11.24.05 Inspections. Upon the completion of the piping, installation or alteration of any building or structure for HVACR systems, it shall be the duty of the person, firm or corporation having direct charge of such to notify the Building Official who shall as early as possible inspect such piping, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and the applicable requirements of this Chapter, they shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of the examination, but no such certificate shall be issued

unless such piping, appliances and apparatus be in strict accord with the rules, requirements and spirit of this Chapter, nor shall power be turned on such installation, equipment, appliance, motor, heating device and apparatus until said certificate be issued.

11.24.06 Liability Insurance Required. Every Master Plumber applying for a permit shall carry liability insurance as set forth below:

General aggregate	\$100,000.00
Personal	\$100,000.00
Each occurrence	\$100,000.00

11.24.07 Exemptions. The following shall be exempt from the provisions set forth herein:

A. A permit may be issued to a property owner to install HVACR equipment, fittings or connections in a single-family residence, provided the property owner does the work themselves, and the building is owned and occupied by such owner as their home, as demonstrated by continual occupancy for at least six months duration. Such HVACR work shall comply with the requirements of this Chapter.

B. Window air conditioners equipped with a standard grounded plug connection, UL approved portable electric heaters, and other stand alone humidifiers, air moving equipment, or ventilation equipment are exempt from the requirements of this Chapter.

11.24.08 Penalties. Any person, firm or corporation found guilty of violating any of the provisions of this Chapter shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of such prosecution. Each day during which such violation continues shall be a separate offense.

11.24.09 Fees.

Minimum permit fee	\$15.00
Heat pump/furnace	\$12.00
AC/Condenser	\$12.00
Vents/Ducts	\$15.00 per 2,000 ft <sup>2</sup> of building area
Each re-inspection	\$25.00
Working without a Permit Fee	\$150.00

## **CHAPTER 11.28**



## **ENERGY CODE**

**11.28.01**      **Adoption by Reference.** There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Arkansas Energy Code, with State adopted appendices, as may from time to time be amended and adopted by the State of Arkansas, save and except such portions of said Code as may be deleted, modified or amended herein. At the time of adoption of this Code, the current version is the Arkansas Energy Code, 2011 edition.

**11.28.02**      **Designated Official.** The Building Official in Chapter 11.02 is the person charged with the administration and enforcement of the Energy Code.

## **CHAPTER 11.32**

### **MOVING OF BUILDINGS**

**11.32.01**      **Applicability** No person shall move any house, dwelling, structure or large, heavy object on, over, along or across any street, alley or sidewalk within the City without first securing a permit therefore. All homes and buildings being moved to locations inside the City limits shall demonstrate compliance with all applicable existing City, State and Federal codes and regulations for construction and environmental safety. Any such structure moved to a location within the City must comply with the permit requirements established in this Chapter. Nothing in this Chapter shall be construed to negate the provisions of any City zoning ordinance or any other pertinent ordinances. This Chapter shall not apply to the movement of any mobile home, manufactured home or modular structure as those terms are defined by 24 C.F.R. Part 3280.

**11.32.02**      **Permits** Application for a permit required by this Chapter shall be made to the Clerk of the City of Prairie Grove, Arkansas on forms to be provided by the City, which application shall state the loaded height and width of any structure or object to be moved, and shall designate the route over which the same is to be moved, and the time when the same is proposed to be moved.

**11.32.03**      **Permit fee** The fee for a permit required by this Chapter shall be Two-Hundred Dollars (\$200.00) for each mile the structure travels within the corporate limits of the City of Prairie Grove on the route so designated by the Police Department as described in Section 11.32.04. Partial miles will be measured to the nearest tenth of a mile and the permit fee prorated accordingly.

**11.32.04**      **Route to be established** The City of Prairie Grove police department in cooperation with the moving contractor shall select the safest, most direct route out of or through the City as determined by the width of streets, height of overhead wires, setback of structures and other utilities adjacent to the street, proximity of trees to the street and volume of vehicular traffic. The route selected will be designated on the permit as the approved route of travel for the

structure. Unapproved variance from the designated route will result in the revocation of the permit, forfeiture of the permit fee and prosecution.

11.32.05 Liability insurance required Each applicant for a permit required by this Chapter shall furnish a certificate of liability insurance to the Building Official against damages to persons or property by reason of such moving in the following amounts:

- A. One Hundred Thousand Dollars (\$100,000.00) for bodily injury to any one person per occurrence.
- B. Two Hundred Thousand Dollars (\$200,000.00) for bodily injury to more than one person per occurrence.
- C. Two Hundred Fifty Thousand Dollars (\$250,000.00) for property damage per occurrence.

11.32.06 Maximum height and width of structure The maximum permissible loaded height of any building or heavy object to be moved shall be eighteen (18) feet above street level and the maximum permissible loaded width of any building or heavy object to be moved shall be twenty-six (26) feet. Any request for a permit to move any structure or object which exceeds the maximum permissible loaded height or width shall be presented to the City Council for its approval before the Building Official shall issue the permit.

11.32.07 Notice required Any applicant desiring to move a house, structure or heavy object through or out of the City shall be required to file application for permit and notify the Building Official of such intent at least thirty (30) days prior to the desired moving date.

11.32.08 Structure to be moved in a timely manner All structures and heavy objects for which a moving permit has been issued, must be moved on the date specified on the permit. Failure to do so shall result in the revocation of the moving permit and forfeiture of the permit fee to the City.

11.32.09 Consent of owners of utility lines Prior to the issuance of any permit required by this ordinance, the applicant shall furnish to the Building Official evidence of the consent of the owners of any utility lines or coaxial cables not owned by the City which will be moved as a result of moving the structure or heavy object for which the permit is to be issued.

11.32.10 Structure to be moved in accordance with terms of the permit It shall be unlawful for any person to move any structure or large object on, over, along or across any street, alley or sidewalk in the City, except as provided by the terms of the permit secured for such move.

11.32.11 Penalties Any person who moves a structure or large, heavy object through or out of the City of Prairie Grove without obtaining a permit or fails to

comply with the requirements of such permit will be subject to fines of not more than Five Hundred Dollars (\$500.00) or One Thousand Dollars (\$1000.00) for each repetition of such offense.

## **CHAPTER 11.36**

### **CONDEMNATION OF BUILDINGS**

11.36.01 Unlawful. It 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 Prairie Grove, Arkansas which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council.

11.36.02 Condemnation required. 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 ensure the removal thereof as provided herein.

11.36.03 Prior notice.

A. Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s) of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said resolution. The notice shall be mailed by certified mail, return receipt requested to their last known place of residence or business. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s) of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building and/or structure to be a nuisance.

B. Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown, then a copy of the written notice shall be posted upon said premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address or unknown whereabouts of said owner(s), mortgagee(s) and/or lienholder(s).

11.36.04 Requirements of resolution. 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(s), if known, of the owner(s), mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason(s) said house, building and/or structure is or has been condemned as a nuisance.

11.36.05 Notice of resolution. 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(s),

mortgagee(s) and/or lienholder(s) thereof if the whereabouts of said owner(s), mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known; and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided that if the owner(s), mortgagee(s) and/or lienholder(s) be unknown, or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation.

11.36.06 Removal. If the house, building and/or structure constituting a nuisance has not been torn down or 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 Official or his designated representative.

11.36.07 Duties of building official. The Building Official 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 ensure 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 materials 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 ensure its removal and the abatement of the nuisance.

11.36.08 Proceeds of sale. All 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 City's Clerk/Treasurer. If any such house, building and/or structure, or the saleable materials thereof, 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, plus any fine or fines imposed, plus any costs of notice and attorney's fees, the balance thereof will be returned by the City's Clerk/Treasurer to the former owner(s) of such house, building and/or structure.

11.36.09 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 Ark. Code Ann. §14-54-904.

11.36.10 Penalty. A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council 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 continuing offense, punishable by a fine of

Two Hundred Fifty Dollars (\$250.00) per day; provided the notice as herein provided in Section 11.36.05 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.

11.36.11 Judicial condemnation. In the event it is deemed advisable by the City Council 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(s), mortgagee(s) and/or lienholder(s) will be that as now provided for by law in such cases in a court of equity or Circuit 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 One Hundred Dollars (\$100.00) is hereby imposed against the owner thereof from the date said finding is made by the Court and for each day thereafter said nuisance is not abated.

#### **CHAPTER 11.40**

#### **USE OF RVs FOR HOUSING**

11.40.01 Recreational vehicle restrictions established No person shall occupy or allow occupancy of a recreational vehicle or motor home except as is allowed herein or allowed by any ordinance governing mobile home or recreational vehicle parks.

11.40.02 Definition The terms "occupancy" and "allow occupancy" shall be deemed for purposes of this ordinance to be the use by one or more persons as a place of rest, sleep, recreation or eating for a substantial portion of the day.

11.40.03 Prohibited conduct No person shall occupy or allow occupancy of a recreational vehicle or motor home for more than 14 days without a permit and the occupancy need not occur on consecutive days.

11.40.04 Extension beyond 14 days

- A. Any person desiring to occupy or allow occupancy of a recreational vehicle for more than 14 days must obtain a permit from the City of Prairie Grove.
- B. The cost of the extended occupancy permit is \$10.00.
- C. The duration of the extended occupancy permit is limited to 14 additional days.
- D. In order to be granted an extended occupancy permit, the applicant must show evidence:

- a. That the application is approved by owners or occupants of contiguous and adjacent property and other property situate within 200 feet of the lot on which the subject of the application has been placed.
- b. That a proper wastewater connection to the sanitary sewer has been made; or the vehicle is self-contained for disposal to the sanitary sewer or some other method allowed by state and local regulations; and
- c. That all electrical connections are protected to insure the safety and well-being of the public; to comply with the National Electrical Code and are connected to a GFC-type outlet and placement shall meet setback requirements of the zone in which the recreational vehicle is placed.

11.40.05      Penalty Any person found guilty of a violation in the appropriate court shall be guilty of a misdemeanor and may be fined an amount not to exceed \$100.00 for each day of the violation.

## **CHAPTER 11.44**

### **FENCES AND WALLS**

#### 11.44.01      Applicability

A. The requirements of this Chapter shall apply to the following conditions in all zoning districts, except as exempted in (B) Exemptions, below:

1. New Construction – Construction of a new fence or wall.
2. Extension – Extension of an existing fence or wall.
3. Replacement
  - a. Replacement of an existing fence or wall that is a different size, at a different location or of a different material (e.g. a chain link fence being replaced by a wood privacy fence); or
  - b. Replacement of any portion of the linear length of an existing fence.

B. Exemptions – This Chapter shall not apply to:

1. The A-1 Agricultural zoning district
2. Replacement of less than 50% of the linear length of any straight run of fence, except that the portion being replaced shall not:
  - a. impede visibility at the sight triangle of any street intersection, driveway or alley;
  - b. impede a natural drainage way;
  - c. be located in a drainage easement, utility easement, or right-of-way;
  - d. encroach neighboring property lines.

11.44.02      Permit Required – A fence permit shall be obtained prior to beginning construction and replacement of all applicable fences and walls.

A. Application – to obtain a fence permit, a completed application form and a plot plan (site plan) must be submitted to the Building Inspection Office. The plan shall show:

1. Location of all property lines;
2. Location of all existing structures;
3. Location of existing or proposed pools or spas;
4. Location of existing fencing on or adjacent to the property that is to remain in place;
5. Portions of existing fence that will be replaced;
6. Location of new fencing; and,
7. A note indicating the height of the proposed fence and the type of fence construction (e.g. wood privacy, wrought iron, chain link, etc.).

B. Review and approval – Once all the required information is submitted, it will be reviewed by the Building Inspection Office for compliance. If the application is approved, the applicant shall pay the permit fee and the fence permit will be issued.

C. Compliance – All fences or walls must be installed in compliance with the fence regulations and with the information shown on the approved plan and fence permit application form.

D. Inspection required – The applicant shall contact Building Inspections to request a final inspection upon completion of the fence. If the Building Inspector determines that the fence is constructed in accordance with the ordinance requirements and the approved fence permit, a Certificate of Compliance will be issued. If the fence does not pass the inspection, the Building Inspector shall prepare an inspection report detailing the deficiencies.

#### 11.44.03 Fence Location

A. Private property – All fences and walls shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be responsible to correctly locate property boundaries. Fences and walls shall not encroach neighboring property lines. If the location of the property line is uncertain or in question, the City can require proof in the form of a surveyed line to determine compliance.

B. Front yards – Sight restricting fences are prohibited in front yards and cannot be constructed within the front setback of the lot, defined as the area of a lot defined in the zoning ordinance as front setback in Sections 4.4.3 and 4.4.4; with the exception of retaining walls or fences not more than 36" in height. The purpose is to restrict sight-restricting fences where back-to-back lots exist and a back yard extends to a street behind the house. A non-sight restricting fence (e.g. chain link) that does not restrict visibility or line of sight may be no more than 48" high when located in a front yard.

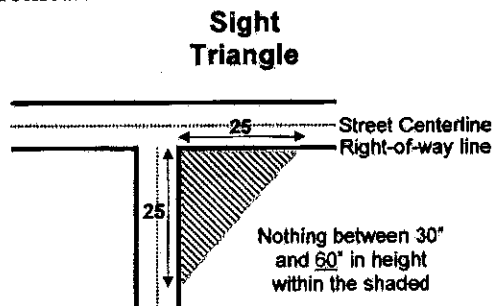
C. Street-facing yards – Sight restricting fences in a yard fronting a public street or alley, other than a front yard, are prohibited within eight feet (8') of the edge of the street or alley (pavement or gravel) right of way line or must be 36" or

less in height, or 48" in height if constructed of a material that is non-sight restricting (e.g. chain link).

D. Rear and side yards – a fence or wall may be located in the rear or side yard, but shall be in compliance with other requirement of this Chapter.

E. Adjacent to right-of-way – Fences and walls adjacent to public streets or alleys must be placed no closer than five feet (5') to the edge of the right-of-way.

F. Sight triangle – Sight restricting fences or walls constructed near public street or alley intersections, shall be prohibited within the "sight triangle" as shown below, in order to provide a reasonable degree of visibility for traffic safety reasons. Any fence or wall deemed to restrict visibility for traffic safety is prohibited.



G. Easements

1. Utility Easements – walls used as fences and footings for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by so doing. The fence or wall located in certain utility easements must have a gate installed on each end, the width of the easement, or some other type of removable section, independent of the rest of the fence structure, and approved by the city which would allow the easement to be accessed without removing additional fence.
2. Drainage Easements – fences and walls are prohibited within any platted drainage easement. Fences and walls located adjacent to a platted drainage easement shall not impede the normal flow of storm water.

11.44.04 Design standards – the following design standards shall apply to any new fence or replacement of any fence or wall where the length of the replacement exceeds 50% of the length of any straight run of fence.

A. Height – Maximum height shall be eight feet (8') above average grade.

B. Finished surface – Finished surface shall face outward from the property. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface unless fence is shared by two neighboring and adjoining properties and an agreement exists as to which side will remain finished.

C. Gates – All fence segments abutting a public street or alley, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. In addition, any areas such as



utility or drainage easements that may be cut off from access due to the construction of the fence shall also be provided with a gated opening. An exception may be granted if the City receives a letter from a home owners association that this area is maintained by the association and not by individual homeowners.

D. Fence types

1. Razor Wire – Razor Wire is prohibited in the City
2. Barbed Wire – Barbed wire is prohibited in all residential zones, other than A-1, Agricultural zones. Barbed wire shall not be placed within five feet (5') of a public sidewalk nor within four feet (4') of a public street or alley right-of-way if there is no sidewalk.
3. Electric Fences – Electric fences are prohibited except in areas zones A-1 Agricultural. Underground electric pet containment fences are allowed.
4. Sheet metal, scrap wood, plywood, and other materials not normally manufactured for the purpose of construction of fences are prohibited.

11.44.06 Pools and Spas – Outdoor pools, spas and hot tubs shall be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it shall meet the following requirements in addition to those that apply to a fence or wall.

A. Height – The minimum height of the fence enclosure shall be at least 48 inches. The maximum clearance between the bottom of the fence and the ground shall be 2 inches.

B. Gates – Gates in the enclosing fence shall swing away from the pool/spa and be designed to be self-closing and self-latching. If the latch or latch-release hardware is on the outside of the fence, it shall be at least 54 inches above the ground. If the latch hardware is on the inside of the fence, it must be at least 3 inches below the top of the fence and there shall not be any openings more than ½ inch in width within 18 inches of the latch. Gates more than five feet (5') in width and designed for equipment access to the fenced area are not required to be self-closing or self-latching provided they are locked at all times except when needed for access.

C. Design – The fence shall be designed so that there are no opening large enough to allow the passage of a 4 inch diameter sphere and so that no “ladder effect” is created on the outside. If a chain link fence material is used, the maximum size of the openings (i.e. the distance between parallel wires) shall not exceed 1-1/4 inches.

## CHAPTER 11.48

### LANDSCAPING

11.48.01 Statement of purpose The requirements set forth herein are enacted to:

- A. Promote the health, safety and general welfare of the citizens of Prairie Grove;
- B. Enhance the attractiveness of the City by establishing standards for landscaping of new developments or additions in certain zones;
- C. Protect native and specimen trees from unnecessary removal and from damage during construction;
- D. Prevent unnecessary grading of land during construction;
- E. Provide for tree, plant, and other natural vegetation material replacement;
- F. Provide visual screening and sound buffers;
- G. Screen incompatible land uses;
- H. Improve air quality;
- I. Slow or prevent storm water runoff;
- J. Enhance appearance of parking lots;
- K. Provide option of establishing parks within developments;
- L. Provide enhanced habitat for wildlife; and
- M. Ensure compliance with these standards in new developments and renovations.

11.48.02 Jurisdiction The jurisdiction of this ordinance shall include all land within the city limits of Prairie Grove, Arkansas, any land added to the city limits, and/or planning district, for whatever reason, after the adoption of this ordinance.

#### 11.48.03 Applicability

A. The requirements of this ordinance shall apply in full, after the date that this ordinance is adopted, to:

(1) Zoning Districts for which a building permit is required by the City of Prairie Grove for new construction or addition to existing structure: General Commercial (B-1), Quiet Business (B-2), Residential (R-2), Residential (R-3), Multi-Family Residential (R-2), Office (O-1), Office (O-2) and Manufacturing (M).

(2) New parking lots or expansion of existing parking lots in any zone, which will increase parking spaces to sixty (60) or more spaces, or to parking lots with fewer than sixty (60) spaces, when the Planning Commission deems necessary for improved control and safety of pedestrians and motorists.

(3) Any conversion of an existing, pervious, parking lot or driveway to an impervious parking lot or driveway, in any area zoned General Commercial (B-1), Quiet Business (B-2), Residential (R-2), Residential (R-3), Multi-Family Residential (R-2), Office (O-1), Office (O-2) and Manufacturing (M).

B. In Central Business District (CBD) zones the requirements of this ordinance shall apply to any development where the building setbacks to the property lines are adequate to meet the landscape requirements set forth.

C. Residential Zoning Districts; R-1, R-1.5, and R-1.75 are exempt from the mandatory requirements of this ordinance however single family developments are encouraged to plant a minimum of two (2) trees and four (4) shrubs, of any size, in the front yard of any single family development. Any builder meeting the requirements of this voluntary requirement shall receive an incentive credit from the city of \$25.00 that can be utilized on their next building permit.

11.48.04 Landscape site plan requirements Nine copies of the Landscape Plan shall be submitted with the Site Plan to the City of Prairie Grove for review and plan approval with the building permit application. For projects that are subject to Large Scale Development Approval, the plan shall be presented by a licensed architect, engineer, or landscape architect, with the LSD plans at the time of Planning Commission Review.

- A. Total square footage of proposed landscape area.
- B. Development project title with names and contact information of project planner, developer, owner, landscape architect or landscaper; scale, date, legend, North Arrow, and general vicinity map indicating existing land uses abutting all boundaries of the proposed development.
- C. Street Frontage Buffer, Perimeter Buffer of sides and back with landscaping area marked with legend symbols for proposed landscaping, right of way, and easements. See 11.48.06 and 11.48.07 for specific requirements.
- D. Proposed Parking Lot Buffer landscaping, as required in 11.48.08, marked with legend symbols, including number of parking spaces; location of ingress, egress, and access roadways; location of pedestrian walkways.
- E. Landscaping areas immediately adjacent to front of building(s). See 11.48.09.

- F. Location and general species of existing trees with a DBH of six (6) inches or greater and all Specimen Trees, located within street buffer planting area(s), required side and rear buffers, parking lot, areas, and other open areas. Trees that developer will preserve and trees developer requests to remove shall be clearly indicated.
- G. Description of barrier protection that shall be used around preserved vegetation during construction. See 11.48.05
- H. Plant list including plants, trees, ornamental grasses, and shrubs with common name and botanical name, cultivar or variety (including distinctive features such as flower color), size of container or tree caliper. See 11.48.11 for suggested landscape materials suitable for the Northwest Arkansas Planting Zone 6b.
- I. Planting and installation details for shrubs and trees to ensure conformance with all required standards of this ordinance.
- J. Location, description and size of other proposed or existing landscape improvements such as sidewalks, walls, fences, screens, earth berms; storm water collection facilities such as rain gardens and detention ponds; sculptures, statues, fountains, street furniture, outdoor lighting, courtyards, or other paved areas.
- K. Location of existing and proposed physical features such as easements, streets, utilities, buildings, signs, and waterways.
- L. Location of trash/refuse bin(s), service bays, loading areas or docks, outdoor storage areas, mechanical equipment, walk-in coolers, and description of proposed required screening. See 11.48.05 General Provisions, M., N. O. and P.
- M. Type of irrigation system(s). Include details such as spray, drip, or other type of irrigation (such as well water), controller, backflow device, pressure reducer, waterline, and meter locations. Irrigation is mandatory in all B-1, B-2, M, O-1, O-2 districts and in any R-3 District where the multi-family development is or will exceed 12 units.
- N. These landscaping requirements are perpetual. Should landscaping features die, become storm damaged, be removed, etc., the property owner shall be responsible for replacing the landscaping features to

bring the property into compliance with the requirements of this Chapter.

- O. "Sight-Triangle" at entryways clearly marked and proposed landscaping shown. See 11.48.05.
- P. Parking and/or storage location of any service vehicles, portable machinery and equipment, large tools, construction equipment, food cooking devices, or other business-related equipment, and type of required screening that will shield them from public view.

11.48.05      General provisions

- A. Permits for building, paving, utilities, or construction shall not be issued until a Landscape Site Plan including all required information is approved by the Planning Commission and/or planning office. The Landscape Site Plan must be submitted with the Site Plan if required to have an Large Scale Development plan approval, or at the time of applying for a building permit if not required to get LSD approval.
- B. All landscaping design plans shall be designed with public safety in mind. Landscaping shall not interfere with motorist or pedestrian visibility and safety.
- C. Landscaping shall not interfere with the general function, safety, or accessibility of any gas, electric, water, sewer, telephone, television cable, or other utility easement; fire hydrant, traffic sign, or traffic signal.
- D. Preservation of existing vegetation:
  - 1. Retain and incorporate as is practical, substantial stands of healthy, disease free vegetation and environmentally sensitive or significant natural areas such as woodlands, prairie, and wetlands, into the development site. This does not include invasive plants or plants that are potentially dangerous or harmful to humans or wildlife. (for example, honey locust, kudzu, poison ivy, or sumac.
  - 2. Credit for preservation of trees with a six inch (6") diameter or larger, or Specimen Trees, may result in reduction of number of required new trees and/or shrubs, after review and approval of developer's tree preservation proposal by Planning Commission.

3. Preserved trees and other preserved vegetation shall be shown on Landscape Plan. Before construction work begins, trees shall be protected by installation of chain-link fencing or some other type of protection barriers at drip-line of tree to prevent of tree root compaction in the critical root zone during building construction. Protections may be removed as necessary for final job completion. Other preserved vegetation shall be clearly marked with colored tape and flags.
4. Grading and removal of soil shall not occur within the drip line of canopy of tree(s) to be preserved.
5. Any type of construction debris or chemicals shall not be placed within twenty-five feet (25') of preserved trees.

E. Trees, shrubs, and plants used in the landscape design shall be:

1. Appropriate to the soil, sunlight, and soil-moisture conditions in which they are planted thus resulting in low maintenance, high-quality design, with limited water requirements. Vegetation native to the area is encouraged.
2. High-quality, nursery-grown stock of healthy condition that meets the American Association of Nurserymen standards as specified by the American National Standards Institute in ANSI Z60.1- 1986, or as may be amended in the future.
3. Planted in a manner that ensures availability of sufficient soil and water immediately after planting, and with sufficient nutrients, weed barrier, irrigation system, and mulching, to sustain healthy growth.
4. Be planted in protected areas where vehicular traffic shall not compact the soil in trees' root- spread area. A minimum of 25 square feet of permeable ground surface area per tree is recommended.
5. Trees, shrubs and other vegetation, at planting, shall meet the following specifications:

<b>Vegetation Type</b>	<b>Minimum Diameter (when measured at height of 4.5 feet above ground level)</b>	<b>Minimum Height at Planting</b>
<b>Shade trees</b>	2.5"	Variable (8' - 10')
<b>Ornamental trees</b>	1.5"	Variable (6' - 8')
<b>Evergreen trees</b>	---	Minimum of 6'
<b>Container Size</b>		
<b>Shrubs</b>	3 gallon	2'-3' feet depending on variety
<b>Ornamental grasses (perennial)</b>	1gallon	Variable

6. Where it is impossible or impractical to plant trees, developer may request approval from Planning Commission to substitute 3-gallon-size shrubs in a ratio of ten shrubs per one required shade tree.
7. Only non-invasive vegetation shall be planted. (See 11.48.11 for list of banned trees, shrubs, and other invasive vegetation.)

F. Groundcover Requirements in specified landscape design areas:

1. Living plant material. Grass or evergreen groundcover plants shall make up a minimum of 50% of the groundcover for landscaped areas. However, a larger percentage of evergreen groundcover is encouraged.
2. Mulch.
  - a. Commercially sold hardwood mulch shall be placed in all areas where there is no grass or evergreen groundcover.
  - b. Artificially colored mulch may not be used unless appealed to and approved by the Planning Commission.
  - c. The minimum depth of the wood mulch shall be three (3) inches.
  - d. Owner shall be responsible for replacing or supplementing mulch annually to maintain a 3" depth.
3. Prohibited groundcover. Gravel base material white chat, lava rock, asphalt, concrete, brick pavers, cement pavers, or other specific paver

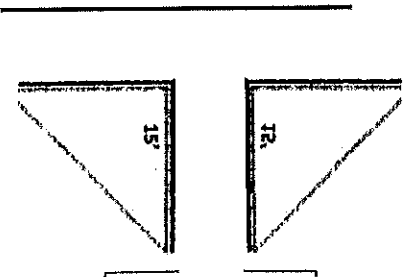
varieties, aggregate pavement material or other pavement material shall not be used, unless approved by appeal to the planning commission. Invasive plants and invasive groundcover (listed in 11.48.11) shall not be used.

4. Pavers. Brick pavers, cement pavers, or other specific paver varieties shall not be used as groundcover but they may be used to create walkways.

- G. Massing, clustering, or grouping of required vegetative plant materials adds visual interest and is encouraged. Maximum distance between massed groups is twenty-five feet (25'). Groupings must be integrated into a planting bed or in a curbed area for easier maintenance and tidier appearance.
- H. Planting in rain gardens or other innovative ways to control ground run-off is encouraged. The planning commission may make allowances on plant types and number if landscaping includes these types of plantings.
- I. Any development subject to the requirements for submitting Large Scale Development Plans shall include plans for installing irrigation devices in all areas required to have landscaping.
- J. Required landscape areas shall not include artificial trees, shrubs, plants, or any synthetic carpeting designed to mimic grass unless specifically approved by the Planning Commission.
- K. Street and highway rights-of-way shall be restored and maintained with turf grass or other vegetative ground cover.

- L. Sight-Triangle requirements for business entryway:  
Sight-Triangle shall measure fifteen (15) feet along the entryway and fifteen (15) feet along the Public Street or Highway.

Vegetation planted within sight-triangle shall be a maximum height of 30" - 36" at maturity. Trees may be included if limbs are pruned up to provide clear view of traffic for pedestrians and motorists.



- M. Detention Pond and Water Quality Pond Landscaping:



1. Perimeter of pond shall be landscaped with low, dense vegetation that hinders or prevents access into the detention pond area by small children, while maintaining a clear view of pond.

2. Pond landscaping shall be maintained to prevent clogged drains.

N. Trash/Refuse/Garbage Storage Areas Screening:

1. Shall be located behind the building unless Planning Commission approves another location.

2. Shall be located a minimum of fifty (50) feet from any Residential or Multi-Family zoned property.

3. Shall be screened five feet (5') high on all sides by walls constructed of materials matching the primary building, masonry or by wood fencing, and shall have a secure access gate.

4. Shall be landscaped with some type of vegetation planted in front of sides seen from street, highway, or adjacent residential dwellings. Vegetative screening shall be equally effective in all seasons of the year.

5. All types of chain-link fence screening and plain, unembellished concrete block walls shall be prohibited.

6. Shall be located on a reinforced concrete slab a minimum of six inches thick and sloped to drain.

O. Mechanical equipment screening.

1. All roof, ground, and wall-mounted mechanical equipment such as air handling equipment, compressors, ductwork, transformers and elevator equipment located within 150 feet of a street or highway right-of-way, residential housing, or public park areas, shall be screened from view or positioned so that they are not highly visible.

2. Wall- or ground-mounted equipment shall be screened by any combination of: vegetative screening, brick, stone, reinforced concrete, stucco, or other similar masonry materials; or other materials that match the primary building and allow proper ventilation and service access.

P. Loading dock screening when located adjacent to all Residential,

Business, Office, or Manufacturing zoning districts, or can be viewed from a street or highway:

1. Shall be located at the side (toward the back of structure) or rear of building.
2. Shall not be located closer than 25 feet to any residential zone, unless loading dock area is wholly enclosed within a building.
3. Shall be screened on all visible sides either by a wall with exterior finish similar to primary structure, or with vegetative screening that will be a minimum of seven feet (7') at maturity, and dense enough such as evergreens to completely conceal the loading facility .

Q. Walk-in Cooler Screening:

1. Shall be structurally integrated into the primary structure by screening walls with exterior finish similar to primary structure.
2. Vegetative screening with minimum height at maturity of seven feet (7') shall be planted in front of screening walls that are visible from residential areas and roadways.
3. Alternative, innovative screening combinations may be considered and approved by the Planning Commission.

R. Protection of public safety and welfare. Whenever deemed necessary to protect the aesthetic value of property being developed, or adjoining or nearby properties, and to otherwise promote public health, safety or welfare, the Planning Commission shall specify additional conditions.

11.48.06 Street Frontage Buffer Landscaping in B-1, B-2, R-2, R-3, O-1, O-2 Zones

A. Purpose. To enhance the overall appearance of the City of Prairie Grove; to provide a landscaped transition from the public right-of-way to private property buildings and parking lots; to provide a visual buffer from projecting headlights that might interfere with the vision of passing motorists and pedestrians; to improve the appearance of parking lots located adjacent to a public right-of-way, and to encourage preservation of existing trees and other existing vegetation.

B. General Provisions.

1. With approval of Planning Commission, several Street Frontage Buffer options may be combined to meet the particular site constraints of the development.
2. Existing native trees of 6" DBH or larger, or Specimen Trees, shall be preserved anywhere within the street frontage buffer area unless preservation creates traffic hazards or interferes with required utilities. If existing native trees can be shown to be less than desirable due to shape, form, damage, or a species not preferred the planning commission can grant approval to remove them.
3. Preserved existing trees of 6" DBH or larger, or Specimen Trees, shall be substituted one preserved tree for two new trees in meeting the street frontage buffer tree requirements.
4. A corner lot with two street/highway rights-of-way must be planted using the Street Frontage Buffer options. The remaining side and rear shall use the Landscaped Perimeter landscape requirements.
5. Within each fifteen feet (15') depth and twenty-five linear feet (25') of street frontage, the required minimum number of trees and shrubs may be spaced separately, or grouped for most attractive appearance.
6. All landscaped areas shall be integrated into a curbed planting bed to ease maintenance and must utilize weed barrier and vegetative groundcover and wood mulch applied according to the standards in 11.48.05, F. Gravel and other banned groundcover shall not be used.
7. Vegetation planted within five feet (5') of the right-of-way shall have maximum height of 30" - 36" at maturity. At entryways all Sight-Triangle Requirements shall apply. See 11.48.05 General Provisions, K. Sight-Triangle Requirements for business entryway.
8. Designated parking and loading areas shall be used exclusively for the parking and loading of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, earth-moving equipment, farm equipment, cooking equipment, or other business-related items.
9. Where greater depth than 15-foot (15') minimum is used, number of required vegetative items shall be increased by two (2) per each five foot (5') increase in depth. Developer may choose from any

combination of shade trees, ornamental trees, conifer trees, and/or shrubs for each additional five foot (5') buffer depth. With greater depth, adjustments to planting location requirements may be made upon review and approval of the Planning Commission.

10. Chain link fencing and any other type of wire fencing shall not be allowed.

C. Fifteen foot (15') Street Frontage Buffer Minimum Landscaping Requirements per twenty-five linear feet (25'):

1. One shade tree with 2.5" diameter at 4.5 feet above the ground, or one ornamental tree with 1.5" diameter at 4.5 feet above ground, or one Conifer (evergreen) tree a minimum of six (6') feet tall at planting.
2. Perennial ornamental grasses, perennial plants and other vegetation may be added at landscaper's discretion.
3. Mulch.

11.48.07      Landscaped perimeter buffer in Business (B-1)(B-2), Multi-Family-1 (R-3), Office (O-1)(O-2), and Manufacturing (M) zoning districts

A. Purpose. Perimeter landscaping, a peripheral planting strip along the side and rear lot lines that separates land uses /or properties, prevents two adjacent commercial lots from becoming one large expanse of pavement; provides an aesthetically attractive separation between properties in densely developed areas; and protects residential dwellings by providing noise abatement, preventing glare from headlights and property lighting, and providing privacy; and enhances the general appearance of all properties.

B. General Requirements.

1. The Landscaping Plan for all proposed development shall show perimeter landscaping, in addition to landscaped street frontage buffer and interior parking lot landscaping that is required.
2. Preservation of existing trees or other native vegetation is strongly encouraged and will count toward total number of required trees.

3. Minimum Width. A ten (10) foot landscaped perimeter buffer is required along the side lot lines of a development. Exception: in R-3 Zones where two units or less are being constructed the buffer may be reduced to the width of the required setback, five (5') feet.
4. Required extension of side perimeter buffer shall extend from street frontage back to front edge of building unless property is adjacent to residential housing in which case the perimeter buffer shall extend the length of the property. See 11.48.07. E. below for specific requirements.
5. No back perimeter buffer is required unless adjacent to residential housing. See 11.48.07. E. below for specific requirements.

C. Landscaped Perimeter Buffer Minimum Requirements - per twenty-five (25') linear feet

1. One (1) shade tree - 2.5" diameter (minimum) @ 4.5 feet above the ground OR One (1) ornamental tree - 1.5" diameter (minimum) @ 4.5 feet above the ground OR one Conifer (evergreen) tree a minimum of six (6') feet tall at planting.
2. Groundcover. New plantings in perimeter areas shall be mulched. Preserved existing vegetation does not require mulch. (See 11.48.05 General Provisions, F. Groundcover Requirements.)
3. Massing/Grouping of Plantings. Massing, clustering, or grouping of alternating plant materials with a combination of trees and shrubs provides visual interest and is encouraged. The maximum distance between massed groups is twenty-five (25) feet.

D. Vehicular access. The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between adjacent lots and allowance may be made as necessary upon approval of Planning Commission.

E. Special Side and Rear Perimeter Screening Requirements for Business, Multi-Family, and Manufacturing Development Adjacent To Residential or Multi-Family Housing. The Developer shall provide complete screening by means of a physical barrier and landscaping.

1. The effective height of the physical barrier shall be a minimum of six feet (6') in height. Such a barrier shall consist of wood or masonry

fencing, walls, and/or berms, and shall include required landscaping plant material.

2. Vegetation placed as a buffer between residential development shall include sight and noise buffering. Where a fence is placed as a screen in areas bordering residential development, a vegetative barrier shall also be installed to provide noise abatement. It shall consist of as many trees and shrubs as necessary, and of suitable size and density to provide 60% coverage of the physical barrier within two years of planting.
3. Tree preservation. Existing shade trees with DBH of six inches (6") or greater and/or Specimen Trees may be included as part of the vegetative screening requirement in a ratio of one (1) preserved tree to two (2) new trees.

11.48.08      Parking lot landscaping in Business (B-1), (B-2), Multi-Family (R-2), (R-3), Office (O-1), (O-2), and Manufacturing (M) zoning districts

- A. Purpose. To improve the appearance of parking lot and entire property with attractive landscaping; to create a safe parking area for pedestrians and motorists; where feasible, to preserve existing trees, or plant new trees to provide shade; to provide buffer from headlight glare and noise between adjacent properties, and to ensure privacy of residents living adjacent to parking areas.
- B. Applicability. Parking lot landscaping requirements shall apply to any development or addition requiring a building permit from the City of Prairie Grove in BUSINESS (B-1)(B-2), MULTI-FAMILY-1 (R-2), (R-2), Office (O-1)(O-2), and Manufacturing (M) Zoning Districts.
- C. General Provisions.
  1. Landscaping shall not block motorist or pedestrian view.
  2. The landscape design of parking areas may vary based on the qualities and layout restrictions of the property to be developed.
  3. Landscaping may be added to the inaccessible, unusable corners of parking lots. Existing trees may be preserved in these areas.

4. Minimum size of shade trees and ornamental trees at planting shall be:
  - a. Shade tree: 2.5" diameter @ 4.5 feet above ground
  - b. Ornamental tree: 1.5" diameter @ 4.5 feet above ground
5. Parking islands shall be incorporated into new parking lots or expanded existing parking lots in any zone in which there will be sixty (60) spaces, or more, or in parking lots with fewer than sixty (60) spaces, when the Planning Commission deems them necessary for improved control and safety of pedestrians and motorists.
6. Each island shall be landscaped with a minimum of one hardy shade tree or ornamental tree, or low-maintenance shrubs unless waived by Planning Commission due to safety purposes.
7. Mulch, turf grass and/or evergreen groundcover shall be used in each island.
8. When Planning Commission waives tree/shrub requirement due to safety considerations, parking island shall be landscaped with turf grass, low ornamental grass, groundcover, mulch, or a combination of these.

D. Special Screening Standards for Parking Lot Adjacent To Residential and Multi-Family Housing Zones. Development adjacent to all residential zones, shall meet increased landscaping standards to minimize noise and light glare and to ensure privacy. The location and construction of such screening shall be approved by the Planning Commission.

1. Physical barrier to provide full screening shall be a minimum of six feet (6') in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.
2. Plant material shall be placed in front of the barrier to provide noise abatement and increase aesthetic quality of parking lot.
3. Trees and shrubs planted shall provide 60% coverage of the physical barrier within two (2) years.
4. At least one-half of the trees and shrubs shall be of an evergreen type that maintain leaves year round.

5. Tree preservation. Existing healthy shade or specimen trees with DBH of six inches (6") or greater shall be included as a portion of the landscape screening.

11.48.09      Landscaping requirements adjacent to buildings

- A. Purpose To enhance the overall appearance of the front of building(s) within a development.
- B. Landscaping Requirements Plant shrubs, perennial ornamental grasses, perennial plants, or other vegetation in curbed planting beds immediately adjacent to building or buildings, spanning a minimum of one-third of building(s) frontage. Additional plantings on sides of building(s) are at discretion of builder or owner.

11.48.10      Landscaping installation, maintenance, and replacement of landscaping materials Standards have been established for installation of all plant materials within the city. These requirements must be followed in order to receive approval of the site work and final occupancy or approval of the development. The Planning Commission or a representative of the City has the authority to deny the issuance of a final occupancy permit until landscaping is installed according to the requirements of this ordinance and satisfaction of the site inspector. All planting and landscaping requirements shall follow the developed land in perpetuity.

- A. Installation All landscaping shall be installed in accordance with standards and requirements of this ordinance. Permits for building, paving, utilities or construction shall not be issued until a Landscape Site Plan including all required information is submitted and approved by the Planning Commission. The Landscape Site Plan must be submitted with the Site Plan.
- B. Delays in planting When construction has been completed but it would be impractical to plant trees, shrubs, or turf grass or other landscaping material due to weather conditions, upon approval of the City, developer shall be given additional time to complete all required landscaping; further, a temporary occupancy permit may be issued by the building inspector. The developer or builder must make every effort to finish the project within the time frame for completion that both parties have agreed to.



C. Enforcement.

1. Final occupancy permits and/or final plats will be withheld for those who fail to complete landscaping requirements.
2. Landscaping elements are required to be maintained perpetually. In the event that landscaping elements die, are damaged, removed, or otherwise no longer exist, the City may notify the property owner of the deficiency and require the owner to repair or replace the elements to bring the property into compliance.
3. In the event that 10% or more of any required elements die, are removed, or otherwise no longer exist; and the property owner has failed to remedy the situation after having received written notice, via certified mail, the property owner shall be guilty of a violation and subject to criminal penalties.
4. Persons found guilty of violations of this Chapter, shall be required to bring their property into compliance and pay a minimum fine of \$100.00, or \$10.00 per day of violation for each day the property remains non-compliant.



## CHAPTER 11.52

### STORMWATER POLLUTION CONTROL

11.52.01 Title. This Ordinance shall be known as the Stormwater Pollution Control Ordinance.

11.52.02 Adoption of Code. There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the Stormwater Pollution Prevention, Grading and Erosion Control Manual on file in the office of the City Clerk as of June 16, 2014.

11.52.03 Designated Official. Whenever reference is made in the Stormwater Pollution Prevention, Grading and Erosion Control Manual to the duties of an official, such official for the City of Prairie Grove shall be the City Building Inspector.

11.52.04 Permits Required.

- A. All activity within the city limits of Prairie Grove involving grading, filling or excavation shall require a permit from the City prior to beginning work. A separate permit shall be required for each site, and may cover both excavation and fill work.
- B. The following activities are exempt from the requirement for a permit:
  - 1. Excavations or grading in an isolated self-contained area of one-half acre or less where there is no danger apparent to private or public property and will not change established drainage patterns.
  - 2. An excavation below finished ground, such as for footings, basements, retaining walls, or other structural excavations that are covered under a valid building or fence permit. This shall not exempt any fill that is the result of excavation nor exempt any excavation having an unsupported height greater than 4 feet after completion of the structure.
  - 3. Cemetery graves
  - 4. Refuse disposal sites controlled by other regulations
  - 5. Excavations for wells, tunnels, or utilities
  - 6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, where otherwise established by lawful practices and regulations. Provided further that all such activities shall meet all local, state, and federal guidelines and laws in existence.
  - 7. Exploratory excavations under the direction of soil engineers, geologists, or scientists.
  - 8. An excavation which:
    - a. Is less than 2 feet in depth, or
    - b. Which does not create a cut slope greater than 5 feet in height and steeper than one and one-half horizontal to vertical.

9. Earth Work performed under an approved building permit, relevant to the construction of the building only.
10. Utility cuts performed by or on behalf of a public utility.
11. Work performed as part of an approved subdivision development according to the subdivision regulations as may now or hereafter be enacted by the City Council.
12. Street and drainage work performed within a public right-of-way by or on behalf of a public agency
13. This requirement of the Code may be waived by the Mayor or his designee in time of natural disasters or other such emergencies.

C. If an applicant can demonstrate that extraordinary hardships or practical difficulties will result from strict compliance with these regulations or the purpose of these regulations, and proposes alternative measures or proposals, the designated official shall review the proposed alternatives and forward them, along with a recommendation to the Board of Adjustment for a decision. Such a request must contain the conditions upon which the request for variance is based unique to the property because of its particular physical surroundings, shape or topographical conditions; and demonstration that the granting of a variance will not be detrimental to the public safety, health and welfare; or be injurious to other property.

11.52.05 Definitions The following words, terms, phrases, abbreviations, or acronyms, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Approval by city, submitted for approval or similar terms** shall refer solely to the action of the city in reviewing an excavation and grading plan submitted by a developer for the purpose of determining whether the proposal conforms with the requirements of this Code. Such review and approval shall not be construed to indicate that the city has engineered the project, has independently examined or reviewed the engineering design of the project, that the city has thoroughly inspected construction, that purchasers or users should rely on the city's action as indicating the project is properly designed or constructed, nor to indicate any other level of review, inspection or supervision in excess or in addition to review of the project to determine that it meets the minimum requirements of this Code. All acts of approval shall be accomplished only by the employees of the city expressly authorized by the board of directors or city manager to accomplish such tasks of approval. Further, in approving the proposed project as meeting the minimum requirements of this Code, the city shall rely on the statements and representations made in the request for application, design, plans and specifications.

**As-graded** means the surface conditions extent on completion of grading.

**ASTM** means American Society for Testing and Materials.

**Bedrock** is in-place solid rock

**Bench** is a relatively level stop excavated into earth material on which fill is to be placed.

**Board of Adjustments and Appeals.** Any reference to a board of adjustments and appeals shall mean such appeals board as may now or hereafter exist and be designated by the City Council to serve in that capacity for the purposes of this code.

**Borrow** is earth material acquired from an off-site location for use in grading on a site.

**Certification** shall mean a written engineering or geological opinion concerning the progress and completion of the work.

**City:** The words "the City" or "this City" shall be construed as if the words "of Prairie Grove" follow it and shall extend to and include its several officers, agents and employees.

**Civil Engineer** shall mean a professional engineer registered in the state to practice in the field of civil works.

**Compaction** means the densification of a fill by mechanical means.

**Comprehensive Plan** means the officially adopted guide to the orderly, coordinated development of the community, i.e., the City of Prairie Grove Subdivision Ordinance.

**Clearing** means the removal of natural vegetation including trees, bushes, vines, weeds, grass, etc.

**Cut** means the excavation or removal of earth material resulting in a surface elevation lower than the existing or original surface.

**Developer** means any person, firm, partnership, corporation, utility or other entity planning, constructing, altering, or reconstructing any excavation or grading work within or pertaining to any property within the city limits.

**Disturbed area** means surface areas that the natural vegetation has been destroyed or the surface elevation has been changed due to cutting or filling activities.

**Earth material** means any rock, natural soil or fill and/or any combination thereof.

**Easement** means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Engineer** means a professional engineer registered to practice in the State of Arkansas.

**Engineering Geologist** shall mean a geologist experienced and knowledgeable in engineering geology.

**Erosion** means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

**Excavation** means the mechanical removal of earth material.

**Existing grade** means the grade prior to grading.

**Fill** means the placement of earth material resulting in a surface elevation higher than the existing or original surface.

**Finish grade** means the final grade of the site, which conforms to the approved plan.

**Grade** means the slope of a surface, calculated by the vertical rise (+) or fall (-) of a segment divided by the horizontal length of the segment, expressed in percentage terms.

**Grading** means any excavating or filling or combination thereof.

**Highway** means a street or roadway, which is part of the state highway system which is maintained and/or proposed by the Arkansas Highway and Transportation Department.

**Off-site** means any property not located within the bounds of the property on which excavation or grading work is performed.

**Paved area** means all areas, which are or proposed to be surfaced with gravel, asphalt, concrete, or similar surface treatment material.

**Project Engineer** means the professional engineer retained by the developer to design a specific excavation or grading work project.

**Public street system** means the total sum of the public streets including local, minor collectors, major collectors, arterials and highways. The public street system shall include all streets whether by dedication (platted) or prescriptive use and whether or not accepted for maintenance by the city or county.

**Re-vegetation** means the planting or seeding of areas for the purpose of establishing adequate vegetation to prevent erosion of earth material or migration of sediment.

**Right-of-Way** means a parcel or strip of land dedicated or deeded to the public or belonging to the public, and accepted by proper authority, by prescriptive rights for use as a street, walkway, railroad, utility or other public use.

**Rough grade** is the stage at which the grad approximately conforms to the approved plan.

**Site** is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

**Slope** is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**Stabilization** means the securement of soil or earth material in such a manner that it cannot be moved or relocated by natural means such as gravity, water flow or wind.

**Street** means a right-of-way used or intended for use by vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the city or county.

**Terrace** is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

**Utility** means any part of a group of units which provides service to the public, specifically including; electrical power, telephone service, gas supply, television cable service, water and sanitary sewer

**Utility company** means the owner of any utility facility, which holds a valid franchise to operate such utility within the area of an excavation or grading work project.

**Vegetation** means any natural or planted growth including trees, grass, vines, bush, weeds, shrubs, etc.

11.52.06 Permit Applications.

- A. Applicants shall submit a Prairie Grove Grading and Erosion Control Permit Application to the Prairie Grove Building and Code Enforcement Office. Every Application must include the name, address and phone number of the owner of the site; name, address and phone number of the person requesting the permit; name, address and phone number of the person(s) or entity conducting the grading; a map or plat of the proposed area to be affected; the total acreage and acreage affected; and any other information requested on the form.
- B. If any project meets any of the following conditions, the application shall be accompanied by a set of plans and specifications prepared by and containing the stamp of an Arkansas Licensed Engineer or Landscape Architect:
  - 1. The disturbed site exceeds one acre; or
  - 2. The excavation or grading could alter storm drainage discharge locations or characteristics of storm water run-off; or
  - 3. The maximum vertical cut or fill will exceed four (4) feet within ten (10) feet horizontal distance from the property line; or
  - 4. City building or code enforcement staff determines that the extent of the proposed excavation or grading work could create a significant impact to public or adjacent properties.
- C. Plans for engineered projects shall contain, at a minimum, the following:
  - 1. Elevation contours showing existing and proposed elevations;
  - 2. Details of all surface and subsurface drainage ditches, devices, walls, dams or other protective devices;
  - 3. Location of all buildings or permanent structures;
  - 4. Identification of undisturbed land;
  - 5. Location of natural features, such as drainage ways, ditches, rock outcroppings, ponds, creeks, etc.;
  - 6. Locations of known utilities;
  - 7. Identification of all proposed drainage control devices.
  - 8. If the proposed project will have a building placed on disturbed soil, then the following reports shall also be submitted:
    - a. A soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendation covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the City shall be incorporated in the grading plans or specifications.



- b. An engineering geology report that includes adequate evaluations of the geology of the site including conclusions and recommendations for the proposed development and grading.
- D. If the work authorized is not started within six (6) months from the date a permit is issued, the permit shall become null and void.
- E. Fees for permits shall be as follows:
  - For non-engineered projects - \$50.00
  - For engineered projects no more than 2 acres in size - \$100.00
  - For engineered projects over 2 acres in size - \$100.00 plus \$15.00 for each acre over 2, up to a maximum of \$250.00.

11.52.07 Grading Restrictions

- A. Boundaries of the work must be maintained at least 5' from any public right of way or proposed right of way.
- B. Adequate drainage from embankments and excavations must control and prevent instability caused by material saturation.
- C. Slopes of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall have a grade no steeper than 2:1, horizontal to vertical.
- D. Retaining structures or walls shall be provided with weep holes to prevent damage and shall be adequately spaced to prevent overturning pressures greater than 35 pounds per cubic inch. Permanent retaining structures shall maintain a safety factor of at least 2 against overturning.
- E. Any retaining wall greater than 4' high shall be designed by a registered professional engineer and shall be field inspected by the design engineer.
- F. All proposed rock cuts and any cut slopes resulting in a vertical height of 10 feet or greater shall require a geotechnical investigation and a formal report submitted by a registered professional engineer qualified to make such investigations.
- G. Safety railings and other safety devices may be required on retaining walls 2.5 feet or higher. This determination will be made by the building and code enforcement department and be based on the likelihood of potential pedestrian or public access.
- H. Earth materials, which have no more than minor amounts of organic substances and have no rock or similar irreducible materials with maximum dimensions greater than 8 inches, unless designed by a registered professional engineer designs the fill and approved by the city.

- I. Compaction of fills shall be a minimum of 90% of maximum density as determined by ASTM standards for the moisture-density relations of soils. Field density shall be determined in accordance with ASTM standards.
- J. The slope of all fill surfaces shall be no steeper than 15% (6.67 horizontal to 1 vertical) unless they are keyed into steps in the existing grade and stabilized by mechanical compaction.

11.52.08 Erosion and Sedimentation Control

- A. Provision shall be made to adequately control dust. Provisions shall also be made to adequately control and keep streets clean and free of debris, soil and mud caused by hauling or excavation activities. Public streets shall be cleaned immediately.
- B. All projects shall utilize the appropriate erosion, sedimentation and storm water BMPs contained in the City's Stormwater Pollution Prevention, Grading, and Erosion Control Code.
- C. Permanent improvements, such as street, storm sewers, curbs, gutters and other features for control of runoff shall be scheduled coincidental to removing vegetative cover from the area, so that large areas are not left exposed beyond the capacity of the temporary control measures.
- D. Re-vegetation shall be required within three (3) months after completing any cutting or filling operations. Re-vegetated areas must meet the following conditions:
  - 1. 0-10% grade: Re-vegetation shall be a minimum of seeding and mulching. Such seeding shall provide compete and uniform coverage that minimizes eroion and run-off in no more than two growing seasons.
  - 2. 10-15% grade: Re-vegetation shall be a minimum of hydro-seeding with mulch and fertilizer, staked sod and/or ground cover. Such planting shall provide complete and uniform coverage in no more than two growing seasons.
  - 3. 15-25% grade: Slopes shall be covered with landscape fabric and planted with ground cover.
  - 4. >25% grade: Any finish grade >25% shall be stabilized with retaining walls, cribbing, terraces, landscape fabric, vegetation or riprap. If riprap is used, the slope's stability and erodibility must be equivalent to or better than its pre-development state.

11.25.08      Inspections

- A. The City shall be notified of any field changes prior to commencing with the work involved if earth slopes, retaining structures or storm drainage is affected.
- B. All grading operations for which a permit is required shall be subject to inspection by the City.
- C. For all engineered projects, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and certification of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the city engineer. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.
- D. Soil engineering and engineering geology reports shall be required as specified in 11.52.06(c). During grading all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the City by the soil engineer and the engineering geologist.
- E. The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.
- F. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for sub-drains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.
- G. The City shall inspect the project at various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

11.52.09 Completion Requirements.

- A. Any engineered project shall provide as-built plans to the City upon completion; which shall include at a minimum: original surface/ground elevations; as graded elevations; lot drainage patterns; and all surface and sub-surface drainage structures, swales, ditches and easements.
- B. Upon completion, the City shall be notified by the owner or his representative that all work has been completed as shown on the as-built plans.

11.52.10 Hazards. Whenever any existing excavation or embankment or fill on private property has become a hazard to life, limb, or endangers property, or adversely affects the safety, use, stability, or drainage of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the City Building and Code Enforcement Department, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of these provisions.

11.52.11 Penalties. The penalty for violation of any provision of this Chapter, upon conviction, shall be the fines and penalties set forth by the Municipal Code's general penalty clause, Section 1.32.

Section Three: Effective Date. This Ordinance shall become effective from and after 30 days of its posting.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 19 day of February 2018.

# 11.48.11 Suggested landscaping materials

PLANT:	BOTANICAL NAME:	SIZE:	FLOWER:	LEAF:	TEXTURE:	FORM:
<b>Evergreen Shrubs:</b>						
Abelia	Abelia X grandiflora 'Edward Goucher'	5'H X 6'W	Pink	GR/PP		Rounded
Aucuba	Aucuba japonica	6'H 5'W		GR/YW	Bold	Rounded
Azalea	Azalea japonica 'Mother's Day'	4'H X 5'W	Rose			Rounded
Greenmound Boxwood	Buxus sempervirens 'Green Mound'	3'H X 3'W			Fine	Rounded
Wintergem Boxwood	Buxus microphylla 'Wintergem'	4'H X 5'W			Fine	Rounded
Wintergreen Boxwood	Buxus sinica 'Insularis'	4'H X 5'W			Fine	Rounded
Cherry Laurel	Prunus laurocerasus 'Otto Luyken'	4'H X 7'W	White			Rounded
Dwarf Burford Holly	Ilex cornuta 'Dwarf Burford'	6'H X 6'W			Bold	Rounded
Helleri Holly	Ilex crenata 'Helleri'	3'H X 4'W			Fine	Rounded
Nellie Stevens Holly	Ilex X Nellie R. Stevens'	15'H X 10'W	Red Berry			Rounded
Sky Pencil Holly	Ilex crenata 'Sky Pencil'	10'H X 3'W			Fine	Upright
Bordeaux Yaupon Holly	Ilex vomitoria 'Condeaux'	2'H X 5'W			Fine	Rounded
Dwarf Yaupon Holly	Ilex vomitoria 'Nana'	8'H X 5'W			Fine	Rounded
Winterberry Holly	Ilex verticillata 'Red Sprite' 1	5'H X 5'W	Red Berry			
Creeping Juniper	Juniperus horizontalis "Blue Rug"	1'H X 6'W		BL	Fine	Flat
Creeping Juniper	'Plumosa compacta'	1'H X 6'W		PP	Fine	
Creeping Juniper	'Blue Star'	1'H X 6'W		BL	Fine	Flat
Creeping Juniper	'Blue Chip'	1'H X 6'W		BL	Fine	Flat
Gold Pfizer Juniper	Juniperus chinensis 'Pfizeriana aurea'	4'H X 6'W		GR/YW	Fine	
Loropetalum	Loropetalum chinense 'Purple Diamond'	4'H X 5'W	Fuschia	PP		Rounded
Mugo Pine	Pinus mugo 'Compacta'	3'H X 4'W			Fine	
Dwarf Nandina	Nandina domestica 'Firepower'	2'H X 3'W		GR/RD	Fine	Rounded
Nandina (Compact)	Nandina domestica 'Compacta'	5'H X 3'W	Red Berry	GR/PP	Fine	Rounded
Dwarf Alberta Spruce	Picea glauca 'Conica'	8'H X 5'W			Fine	Pyramidal
Leatherleaf Viburnum	Viburnum rhytidophyllum	10'H X 10'W	White	GR/PP	Bold	Rounded
Red Yucca	Hesperaloe parviflora	6'H X 4'W	Salmon		Fine	Spiky
Variegated Yucca	Yucca filamentosa 'Color Guard'	4'H X 4'W	White	GR/YW	Fine	Spiky

PLANT:	BOTANICAL NAME:	SIZE:	FLOWER:	LEAF:	TEXTURE:	FORM:
<b>Deciduous Shrubs:</b>						
Dwarf Burning Bush	Euonymus alatus compactus	8'H X 10'W		GR/RD	Medium	Rounded
Butterfly Bush	Buddleia davidii nanhoensis 'Monum'	5'H X 5'W	Purple		Medium	
Cranberry Cotoneaster	Cotoneaster apiculatus	3'H X 7'W	White	GR/RD	Fine	Flat
American Cranberry	Viburnum trilobum 'Bailey's Compact'	6'H X 6'W	White	GR/RD	Fine	
Dwarf Crapemyrtle	Lagerstroemia indica 'Maned'	4'H X 4'W	Red		Medium	
Dynamite Crapemyrtle	Lagerstroemia indica 'Whit II'	20'H X 15'W	Red		Medium	Upright
Weeping Crapemyrtle	Lagerstroemia indica X faueri 'Acoma'	7'H X 7'W	White			
Red-Dosier Dogwood	Camus sericia 'Kelsey'	2.5'H X 2.5'W	Red Stem	GR/RD	Medium	Rounded
Black Lace Elderberry	Sambucus nigra 'Eva'	8'H X 8'W	Pink	PP	Fine	
Dwarf Forsythia	Forsythia 'Arnold Dwarf'	3'H X 7'W	Yellow		Medium	Rounded
Dwarf Oakleaf Hydrangea	Hydrangia quercifolia 'Sikes Dwarf'	4'H X 4'W	White	GR/PP	Bold	Rounded
Dwarf Lilac	Syringa meyeri 'Palibin'	5'H X 7'W	Purple		Medium	Upright
Japanese Maple	Acer palmatum dissectum 'Red Dragon'	5'H X 5'W		RD	Fine	Upright
Ninebark	Physocarpus opulifolius 'Monl o'	10'H X 10'W	Pink	GR/PP	Bold	
Flowering Quince	Chaenomeles japonica	4'H X 5'W	Salmon		Medium	
Carpet Rose	Rosa X 'Noare'	2.5'H X 2.5'W	Red		Medium	Flat
Shrub Rose	Rosa X 'Radrazz'	4'H X 4'W	Red		Medium	Rounded
Rose of Sharon	Hibiscus syriacus	8'H X 6'W	Purple	YW	Bold	Upright
Anthony Waterer Spirea	Spiraea X bumalda 'Anthony Waterer'	5'H X 5'W	Pink		Medium	Rounded
Vanhoutte's Spirea	Spiraea X vanhouttei	8'H X 12'W	White		Fine	Rounded
Doublefile Viburnum	Viburnum plicatum tomen. 'Mariesii'	12'H X 15'W	White	GR/PP	Bold	Upright
Winter Jasmine	Jasminum nudiflorum	4'H X 7'W	Yellow		Fine	Weeping
<b>Perennial Grasses:</b>						
Blue Dune Lyme Grass	Elymus arenarius 'Blue Dune'	3'H	Blue	BL		Spikey
Little Bunny Grass	Pennisetum alopecuroides 'Little Bunny'	1'H X 'W	White		Fine	Upright
Mexican Feather Grass	Nassella tenuissima	2'H X 2.5'W	Yellow	YW	Fine	Soft
Feather Reed Grass	Calamagrostis X acutiflora 'Karl Foerster'	6'H X 2'W	Yellow			Spikey
Dwarf Fountain Grass	Pennisetum alopecuroides 'Hameln'	3'H X 2'W	White		Fine	Upright

PLANT:	BOTANICAL NAME:	SIZE:	FLOWER:	LEAF:	TEXTURE:	FORM:
<b>Perennial Grasses: con't</b>						
Golden Liriope	Liriope spicata 'Silver Dragon'	1'H X 1.5'W	Purple	GR/YW		Weeping Dwarf
Dwarf Maiden Grass	Miscanthus sinensis 'Little Kitten'	3'H X 1.5'W	White		Fine	Upright
Maiden Grass	Miscanthus sinensis 'Gracillimus'	8'H X 5'W	White		Fine	Upright
Dwf var. Maiden Grass	Miscanthus sinensis 'Dixieland'	3'H X 4'W	White		Fine	Upright
Mondo Grass	Ophiopogon japonicus 'Nanus'	5'H	Black		Fine	Short
Monkey Grass	Liriope muscari 'Big Blue'	1.5'H X 1.5'W	Purple			Weeping
Muhley Grass	Muhlenbergia lindheimeri 'Lenca'	2'H X 4'W	Pink		Fine	Spiky
Dwarf Pampas Grass	Cortaderia selloana 'Pumila'	10'H X 6'W	White			Spiky
<b>Perennials:</b>						
Black Knight Canna	Canna X generalis 'Black Knight'	6'H X 2'W	Red	GR/PP	Bold	Upright
Purple Coneflower	Echinacea purpurea 'Magnus'	3'H X 2'W	Salmon			Upright
Moonbeam Coreopsis	Coreopsis verticillata 'Moonbeam'	1.5'H X 2'W	Yellow		Fine	Loose
Daffodil	Narcissus X 'Ice Follies'		White			
Shasta Daisy	Chrysanthemum X superbum		White			
Gaura	Gaura lindheimeri 'Geyser Pink'	3'H X 3'W	Salmon		Fine	Loose
Hardy Hibiscus	Hibiscus X 'Fireball'	5'H X 3'W	Red			
Iris	Iris spp.	3'H X 2'W	Purple		Fine	Upright
Lambs Ear	Stachy byzantina 'Silver Carpet'	1'H X 3'W		SV	Bold	Spreading
Stella Lily	Hemerocallis X 'Stella de Oro'	2'H X 2'W	Orange			
Penstemon	Penstemon 'Black Towers'	30"H X 30"W	Salmon	GR/PP		Upright
Husker Red Penstemon	Penstemon digitalis 'Husker Red'	3'H X 'W	White	PP		Upright
Creeping Phlox	Phlox subulata 'Emerald Blue'	6"H X 3'W	Blue		Fine	Flat
Garden Phlox	Phlox paniculata 'Red Riding Hood'	3'H X 2'W	Red			Upright
Joe Pye Weed	Eupatorium spp.	40"H X 3'W	Blue	BL	Bold	Spiky
Dwarf Russian Sage	Perovskia atriplicifolia 'Little Spire'	2'H X 2'W	Purple	SV	Fine	Loose
Autumn Joy Sedum	Sedum X 'Autumn Joy'	24"H X 24"W	Salmon	GR/RD	Bold	Rounded
Speedwell	Veronica spicata 'Blue Carpet'		Purple			
Black Eyed Susan	Rudbeckia fulgida var. sullivantii 'Goldsturm'	2'H X 18"W	Gold			Upright

PLANT:	BOTANICAL NAME:	SIZE:	FLOWER:	LEAF:	TEXTURE:	FORM:
<b>Evergreen Trees:</b>						
Atlas Blue Cedar	Cedrus atlantica	40'H X 25'W		BL	Fine	Pyramidal
Foster Holly	Ilex X attenuata 'Fosteri #2'	25'H X 12'W	Red Berry		Fine	Pyramidal
American Holly	Ilex opaca		Red Berry			Pyramidal
Moonglow Juniper	Juniperus scopulorum 'Moonglow'	20'H X 8'W			Fine	Pyramidal
Skyrocket Juniper	Juniperus scopulorum 'Skyrocket'	15'H X 2'W			Fine	Pyramidal
Spartan Juniper	Juniperus chinensis 'Spartan'	15'H X 5'W			Fine	Pyramidal
Southern Magnolia	Magnolia grandiflora 'Bracken's Brown Beauty'	50'H X 30'W	White	BR	Bold	Pyramidal
Austrian Pine	Pinus nigra	60'H X 25'W			Fine	Pyramidal
Japanese Black Pine	Pinus thunbergii	80'H X 40'W			Fine	Pyramidal
Loblolly Pine	Pinus taeda	90'H X 50'W			Fine	
White Pine	Pinus strobus	65'H X 25'W			Fine	Pyramidal
Colorado Blue Spruce	Picea pungens	65'H X 25'W		BL	Fine	Pyramidal
Columnar Norway Spruce	Picea abies 'Cupressina'	30'H X 6'W			Fine	Pyramidal
<b>Deciduous Trees:</b>						
River Birch	Betula nigra 'Cully'	20'H X 20'W				
Red Buckeye	Aesculus pavia	15' H X 5'W	Red			
Chaste Tree	Vitex agnus-castus	25'H X 25'W	Purple		Fine	
Kwanzan Cherry	Prunus serrulata 'Kwanzan'	25'H X 20'W	Pink	GR/RD		Rounded
Yoshino Cherry	Prunus X yedoensis 'Akebono'	25'H X 25'W	Pink	GR/RD		Rounded
Prairiefire Crabapple	Malus X 'Prairifire'	20'H X 20'W	Rose	PP		Rounded
Dwarf Bald Cypress	Taxodium distichum 'Skyward'	20'H X 6'W			Fine	Pyramidal
Camelion Cherry	Cornus mas 'Golden Glory'	20'H X 20'W	Yellow	GR/RD		Rounded
Flowering Dogwood	Cornus florida 'Cloud Nine'	25'H X 25'W	White	GR/RD		Rounded
Red Flowering Dogwood	Cornus florida 'Cherokee Chief'	25'H X 25'W	Red	GR/RD		Rounded
Kousa Dogwood	Cornus kousa	20'H X 20'W	White	GR/RD		
Allee Elm	Ulmus parvifolia 'Elmer II'	50'H X 30'W				Rounded
Homestead Elm	Ulmus 'Homestead'	60'H X 35'W				Rounded
Lacebark Elm	Ulmus parvifolia	50'H X 30'W				Rounded
Chinese Fringe Tree	Chionanthus retusus	20'H X 25'W	White	GR/RD		



PLANT:	BOTANICAL NAME:	SIZE:	FLOWER:	LEAF:	TEXTURE:	FORM:
<b>Deciduous Trees: con't</b>						
Ginkgo (male only)	Ginkgo biloba	50'H X 30'W		GR/YW	Fine	Pyramidal
Thornless Honeylocust	Gleditsia triacanthos inermis 'Suncole'	35'H X 30'W	White		Fine	
Hornbeam	Carpinus betulus 'Fastigiata'	45'H X 35'W		GR/YW		
Horse Chestnut	Aesculus X arnoldiana 'Autumn Splendor'	25'H X 25'W	Red	GR/RD		
Littleleaf Linden	Tilia cordata 'Sashazum'	50'H X 40'W				
Saucer Magnolia	Magnolia X 'Ann'	15'H X 12'W	Purple		Bold	Rounded
Norway Maple	Acer plantanoides 'Crimson King'	35'H X 25'W		GR/RD		Rounded
Red Maple	Acer rubrum 'October Glory'	50'H X 40'W		GR/RD		Rounded
Sugar Maple	Acer saccharum 'Green Mountain'	40'H X 25'W		GR/RD		Rounded
Amur Maple	Acer ginnala	20'H X 15'W		GR/RD		Rounded
Bloodgood Jap. Maple	Acer palmatum 'Bloodgood'	20'H X 15'W		RD		Rounded
Burr Oak	Quercus macrocarpa	80'H X 80'W				
Scarlet Oak	Quercus coccinea	75'H X 50'W		GR/RD		
Sawtooth Oak	Quercus acutissima	45'H X 40'W			Bold	
White Oak	Quercus alba	100'H X 60'W				
Red Oak	Quercus rubra	80'H X 40'W				
Willow Oak	Quercus phellos	60'H X 40'W			Fine	
Shumard Oak	Quercus shumardii	60'H X 50'W		GR/RD	Bold	
Water Oak	Quercus nigra	80'H X 60'W		GR/RD		
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'	35'H X 15'W	White	GR/RD		Pyramidal
Pistachio	Pistacia chinensis	35'H X 35'W		GR/RD		
Purpleleaf Plum	Prunus cerasifera 'Thundercloud'	20'H X 20'W	Pink	PP		Rounded
Golden Raintree	Koelreuteria paniculata	30'H X 35'W	Yellow			
Eastern Redbud	Cercis canadensis	30'H X 35'W	Purple		Bold	
Pansy Redbud	Cercis canadensis 'Forest Pansy'	20'H X 25'W	Purple	PP	Bold	
Serviceberry	Amelanchier X grandiflora 'Autumn Brilliance'	25'H X 25'W	White	GR/RD		
Smoke Tree	Cotinus coggia 'Royal Purple'	15'H X 12'W	Pink	PP		Rounded
Japanese Snowbell	Styrax japonicus	30'H X 30'W	White	GR/RD		
Seedless Sweetgum	Liquidambar styraciflua 'Ward'	50'H X 30'W		GR/RD		Pyramidal
Tupelo	Nyssa Sylvatica	50'H X 30'W		GR/RD		

PLANT:	BOTANICAL NAME:	ISSUES:
<b>Banned Trees:</b>		
Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'	(Easily storm damaged. Use Cleveland Select instead)
Ginkgo (female only)	<i>Ginkgo biloba</i>	(Odorous Fruit-use male)
Mimosa	<i>Albizia julibrissin</i>	(Invasive)
Pin Oak	<i>Quercus palustris</i>	(Weeping Limbs Pose Hazard-use other Oak species)
Paper Birch	<i>Betula papyrifera</i>	(Not Hardy-use River Birch)
Silver Maple	<i>Acer saccharinum</i>	(Fast growing Easily storm damaged. Use Red Maple)
Sweetgum	<i>Liquidambar styraciflua</i>	(Fruit Poses hazard-use fruitless cultivar)
Tree of Heaven	<i>Ailanthus altissima</i>	(Invasive)
Willow species	<i>Salix</i> spp.	(Fast growing Easily storm damaged.)
Honey Locust	<i>Robinia pseudoacacia</i>	Thornus-use improved cultivar or thornless Black Locust
<b>Banned Shrubs:</b>		
Amur Privet	<i>Ugustrum amurense</i>	(Invasive-use Boxwood or Japanese Holly)
Autumn Olive	<i>Eleagnus umbellata</i>	(Invasive)
Chinaberry	<i>Melia azedarach</i>	(Invasive/Poisonous)
Chinese Holly	<i>Ilex cornuta</i>	(Thorns-use thornless cultivar)
Photinia	<i>Photina serratifolia</i>	{Susceptible to Fungus}
Chinese Privet	<i>Ligustrum sinense</i>	{Invasive}
Chinese Tallow Tree	<i>Sapium sebiferum</i>	{Invasive/Poisonous}
Common Privet	<i>Ugustrum vulgare</i>	(Invasive-use Boxwood or Japanese Holly)
Glossy Privet	<i>Ugustrum lucidum</i>	(Invasive-use Boxwood or Japanese Holly)
<b>Other Banned Plants:</b>		
Amur Honeysuckle	<i>Lonicera mackii</i>	{Invasive}
Bamboo	Bambuseae	{Invasive}
Castorbean	<i>Ricinus communis</i>	(Poisonous)
English Ivy	<i>Hedera helix</i>	(Invasive-use Vinca)
Japanese Honeysuckle	<i>Lonicera japonica</i>	{Invasive-use sterile variety or Purple Honeysuckle}
Lespedeza	<i>Imperatica cylindrica</i>	{Invasive}
Moonflower	<i>Datura innoxia</i>	{Poisonous}
Morning Glory	<i>Ipomoea</i>	(Invasive)
Multiflora Rose	<i>Rosa multiflora</i>	(Invasive/Thorns-use Shrub or Carpet Rose)

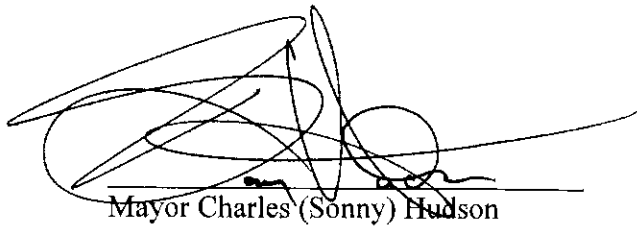
PLANT:	BOTANICAL NAME:	ISSUES:
Other Banned Plants: con't		
Scottish Thistle	Onopordum acanthium	(Invasive/Thorns)
Any plant listed as invasive or noxious by the USDA for Arkansas		

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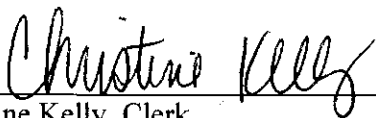
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A large, stylized handwritten signature in black ink, featuring multiple loops and a long horizontal stroke extending to the right. It is positioned above a horizontal line.

Mayor Charles (Sonny) Hudson

(Attest)

A handwritten signature in black ink, appearing to read "Christine Kelly", written in a cursive style. It is positioned above a horizontal line.

Christine Kelly, Clerk

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