

ADOPTED

NOV 19 2015

FILED

2015 NOV 20 AM 10:20

ORDINANCE NO. O-2015-59

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ADOPTING THE ARKANSAS MECHANICAL CODE, 2010 EDITION BY REFERENCE

WHEREAS, a compilation of rules, known as "Arkansas Mechanical Code, 2010 Edition" has been considered by the Benton County Building Safety Division, and

WHEREAS, Benton County and its Building Safety Division desire to establish and adopt the described code;

WHEREAS, notice of the intent to adopt the compilation by reference was published after the second reading of this ordinance and prior to its final adoption, and

WHEREAS, at least one (1) copy of the compilation which is incorporated herein to be adopted by reference has been filed in the office of the county clerk and there kept available for public use, inspection, and examination for at least thirty (30) days prior to final adoption of this ordinance which incorporates the compilation by reference.

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1: That an extensive compilation document, titled "Arkansas Mechanical Code, 2010 Edition" is hereby adopted by reference as a building code for the unincorporated areas of Benton County, Arkansas.

ARTICLE 2: That the Benton County Judge, or such code enforcement officers as the County Judge shall appoint, shall be responsible for enforcement of the "Arkansas Mechanical Code, 2010 Edition" and any references in the Code to persons authorized to enforce the Code shall be considered for the unincorporated areas of Benton County, Arkansas to be references to the County Judge. Nothing herein is intended or shall be construed to extend the authority of the County Judge or persons the County Judge designates as code enforcement officers beyond code enforcement.

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ARTICLE 3. That violations of the Arkansas Mechanical Code, 2010 Edition, will be punished in accordance with § 1-9 of the Code of Ordinances of Benton County, which currently reads as follows:

Sec. 1-9. - Penalty for violations.

- (a) In this section the term "violation of this Code" means:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section the term "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$500.00 or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the same is unlawfully continued.
- (d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.
- (e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty however does not prevent the simultaneous granting of equitable relief in appropriate cases.

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ARTICLE 5. That in the event the State of Arkansas adopts an amendment to the Arkansas Mechanical Code, 2010 Edition that amendment shall apply and be enforced in the unincorporated areas of Benton County without the need for such to be formally adopted by ordinance in Benton County.

ARTICLE 6. That in the event any portion of the Arkansas Mechanical Code, 2010 Edition, is declared unconstitutional or otherwise invalid by any court, the remaining unaffected provisions shall remain effective in the unincorporated areas of Benton County.

ARTICLE 7. That all ordinances or parts of ordinances previously adopted which are in conflict with this ordinance are hereby repealed.

APPROVED:



ROBERT D. CLINARD, COUNTY JUDGE

DATE SIGNED: 11/20/15

ATTEST:



TENA O'BRIEN, COUNTY CLERK

SPONSOR: JP K. Harrison

ADOPTED: November 19, 2015

Votes for: 14 Against:

Abstain: Present: Absent: 1