

ORDINANCE NO. 2025-64

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
ARTICLE 14-XIII CONSTRUCTION APPEALS BOARD TO CREATE A
NEW CONSTRUCTION BOARD OF APPEALS AND SET FORTH
MEMBERSHIP AND MEETING STANDARDS; AND FOR OTHER
PURPOSES.**

WHEREAS, Article 14-XIII Construction Appeals Board establishes the Planning Commission to act as a Board of Appeals for building code interpretations;

WHEREAS, this Article was adopted in 1983 when Bentonville's population was approximately 8,800 and today's population is over 60,000 with construction activity significantly higher than in 1983; and

WHEREAS, given the population size and increased construction activity, it is now appropriate to create a separate Board of Appeals for construction-related regulations, comprised of members with expertise in the building and construction industry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

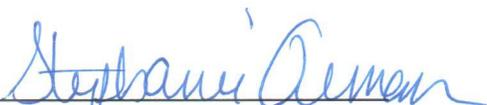
Section 1: That Article 14-XIII Construction Appeals Board shall be and is hereby amended with Attachment A: Construction Appeals Board Amendment, an electronic copy and paper copy of which is on file with the City Clerk and is hereby adopted by references as though it were copied herein fully;

Section 2- Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED and APPROVED this 8 day of April, 2025.

APPROVED:


Stephanie Orman, Mayor

ATTEST:


Malorie Marrs, City Clerk

ATTACHMENT A
CONSTRUCTION APPEALS BOARD AMENDMENT

ARTICLE 14-XIII CONSTRUCTION APPEALS BOARD OF APPEALS

~~Sec 14-417 Planning Commission To Act As~~ **Creation of the Construction** Board Of Appeals ~~Sec 14-418 Emergency Board~~

Sec 14-41**89**-Membership

Sec 14-41**920** **Organization**Hearing Procedure

Sec 14-420 Meeting Procedure

Sec 14-421 **Powers and Authority**Decision

Sec 14-422 Appeals

Sec 14-417 Planning Commission To Act As Board Of Appeals **Creation and Scope**
~~There is hereby created a construction~~ planning commission shall act as the board of appeals for **staff interpretation of the Arkansas Fire Prevention Code Volumes I, II, and III as well as those Arkansas and City Codes and Standards referenced therein.** the fire prevention, electrical, plumbing and building codes of the city. The procedure for appeal for all codes shall be as provided in the building code, except that in-progress construction appeals may be made to the emergency construction appeals board.

(Code 1994, § 11.40.01; Ord. No. 83-74, § 1)

Sec 14-418 Emergency Board

~~There is hereby created an emergency construction appeals board which shall be vested with the authority to hear and decide appeals from the decisions of the building inspector concerning in-progress construction.~~

(Code 1994, § 11.40.02; Ord. No. 83-74, § 2)

Sec 14-4189** Membership**

The membership of said board shall consist of three (3) members, of whom one (1) shall be a registered architect or engineer, one (1) shall be a member of the building trades industry, and one (1) shall be a member of the p**Planning e**Commission. **The building official shall be an ex-officio member of said board but shall not vote on any matter before the board. A second member of the Planning Commission** ~~The~~

mayor shall serve as an alternate member to the board in the event that a third member is unavailable for a given hearing. The regular Board members shall be appointed by the Mayor with approval of the City Council for two (2)-year terms. Board member terms may be staggered at intervals, to provide continuity. A board member may only serve two (2) full terms. A board member, once qualified, can be removed during his/her term of office only for cause by a majority vote of the City Council. In the event of a vacancy during an unexpired term, a successor shall be appointed by the Mayor, with approval of the City Council, to serve out the remainder of the unexpired term. A board member with personal, professional, or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters.

(Code 1994, § 11.40.03; Ord. No. 83-74, § 3)

Sec 14-41920-Organization Hearing Procedure

1. *Officers.* A chairperson, vice chairperson, and secretary shall be elected annually by the board from among its membership. The chairperson, or in his/her absence, the vice chairperson, shall preside at all meetings.
2. *Rules and regulations to be adopted.* The board will adopt bylaws to establish rules necessary to conduct its affairs.
3. *Minutes.* The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be a public record and retained as such.

Sec 14-420 Meeting Procedure

An appeal to the Construction Board of Appeals shall be made to the Mayor's Office within thirty (30) days of final decision of the building official. The Mayor's Office shall convene a meeting of the board, after notification to the building official, within ten (10) business days of receipt of a notice to appeal. The hearing procedure shall be as the board determines is in the best interests of the parties and the city. Every decision, on an appeal, shall be made by a majority vote of the full board within 24 hours of notice of appeal to the building inspector. In the event the appeal is lodged after 8:30 a.m. on the last working day of any week, a decision must be rendered before 9:00 a.m. of the second working day of the following week. Such decision shall be reduced to writing and filed with the original building

permit in the office of the building inspector within seven (7) working days of said decision being rendered.

(Code 1994, § 11.40.04; Ord. No. 83-74, § 4)

Sec 14-421 Powers and Authority Decision

Any person shall have the right to appeal a decision of the building official to the board. A notice for appeal shall be based on a claim that the intent of the City of Bentonville Municipal Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive the requirements of the Arkansas Fire Prevention Code Volumes I, II, and III as well as those Arkansas and City Codes and Standards referenced herein. The board may affirm or reverse, in whole or in part, the decision of the building official. A decision of the board shall be binding upon the building inspector as to the project. and an appeal to the board Board approval of an appeal shall relieve the building inspector and the city of any liability for any construction deficiencies related to the appeal which might be maintained by either the contractor or the owner of the property.

(Code 1994, § 11.40.05; Ord. No. 83-74, § 5)

Sec 14-422 Appeals

When an appeal to the board, under the provisions referenced Section 14-417 et. seq., any matter which has been appealed to the board of appeals under the building, fire prevention and electrical codes of the city has been heard by the board of appeals and relief denied, the applicant shall have the right to appeal such denial to the eCity eCouncil upon filing a written notice of appeal request for such appeal with the eCity eClerk. The written notice request for such appeal must be filed within fifteen (15) days of the date upon which the board's of appeals' decision was rendered. Such appeal shall be placed on the agenda of the next eCity eCouncil meeting to be heard on that date or at such other date as the council may elect.

(Code 1994, § 11.40.06; Ord. No. 90-4, § 1)