

**CHAPTER 31
INSPECTION AND BUILDING PERMITS AND FEES**

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ARTICLE I. General Provisions

Sec. 31-1-1. Scope of Chapter.

This Chapter shall apply to all new residential construction, new commercial construction, institutional or industrial construction and all construction undertaken by any entity and all commercial or residential remodeling, or institutional or industrial remodeling or improvements performed by or on the behalf of the City, County, or any other entity, including the installation of certain equipment or fixtures all as may be set forth herein.

Sec. 31-1-2. Effect of Non-Payment of Fee.

In the event any person, firm or other entity fails to pay the appropriate fees set forth herein, there shall be an administrative fine imposed on said person, firm or entity in an amount that is double the amount of the inspection fee to be imposed.

Sec. 31-1-3. Removal of Improvements to Inspect.

In the event that any person, firm or entity takes any action that makes inspection of the improvements to be impractical or ineffective, an administrative fee shall be imposed in the sum of \$100.00 and the person, firm or entity shall take all actions the Department deems necessary to make such inspection possible, including the removal of sheetrock, masonry or other substance to allow for the contemplated inspection to take place.

Sec. 31-1-4. Method of Inspection.

All inspections undertaken by the Department shall be conducted to determine compliance with all building and other, related, codes as may be adopted from time to time.

Sec. 31-1--5. Payment of Fees.

All fees imposed under this chapter shall be paid to the Department or as may be designated by the Mayor of the City.

Sec. 31-1-6. Re-Inspections.

In the event the Department is required to make more than the normal and customary inspections contemplated by any applicable building or related code, as may be adopted from time to time, or in the event that any person, firm or entity requesting the inspection has failed to adequately prepare the work, construction or improvement for inspection, there shall be imposed an additional administrative fee on such person, firm or entity in the sum of \$35.00 per inspection visit.

Sec. 31-1-7. Effect of Denial of Certificate of Occupancy.

In the event the Department refuses to issue a Certificate of Occupancy, the person required to obtain the inspections contemplated in this Article shall have the right to appeal such decision to the District Court of the City of Searcy, Arkansas.

Sec. 31-1-8. Permits Prior to Commencement.

All permits must be applied for and obtained prior to the commencement of any work subject to the terms of this Chapter. In the event that any person, firm or entity performs any work, or directs that any work should be performed without first obtaining such permits as may herein be required or fails to pay all sums due for inspections or permits shall be fined the sum of \$100.00 per day from and after the commencement of such work prior to such permits being obtained; each day from the commencement of the work to the day said permit is obtained or fees shall be paid shall be a separate offense.

Sec. 31-1-9 Erection of Signs.

A. Any person, firm or entity performing any work subject to the inspection and permitting fees and requirements of this Chapter must place a sign or placard in a conspicuous place on the front of any structure or otherwise oriented toward the street or way at the front of any such building project. This sign or placard must:

- I. Be not less than three (3) square feet in area;
- II. List the legal name of the contractor or other entity performing said work;
- III. List the license number of such contractor;
- IV. List the telephone number and address of such contractor;
- V. Be constructed of sufficient quality material to withstand ordinary wear and tear and ordinary weather conditions;
- VI. Be displayed at all times from the time of commencement of work by such person, firm or entity begins work subject to the requirements of this Chapter and remain displayed until such work is completed; and
- VII. List the street address of the site.

B. Homeowner Improvements. Nothing in this Section shall restrict a homeowner from performing ordinary maintenance work and said homeowner shall not be required to erect any sign on the premises where the work is to be performed.

C. Repair and Short-Term Work. For any work or improvement not expected to extend for more than one (1) working day, no other sign requirements are imposed except as required by state law.

Sec. 31-1-10. State Fees.

Unless otherwise specified herein, all fees required to be collected by any state agency shall be inclusive of the fees specified in this Chapter.

Sec. 31-1-11. City Construction or Improvements.

Notwithstanding any provision herein to the contrary, any construction or improvement or remodeling project undertaken by the City shall not be subject to any fees imposed by this Article; however, the City shall comply with the remaining terms hereof.

Sec. 31-1-12. Effect of Issuance of Permit.

Nothing herein shall be construed as conveying a property or any other right to perform any work contemplated herein.

Sec. 31-1-13. Revocation of Permit.

In the event the Department should find any non-compliance with any building or other code, as may be adopted from time to time, the Department may revoke, make conditions upon, or modify in any way, any permit issued to any person, firm or entity.

Sec. 31-1-14. Time to Complete Project.

All construction, work, improvement, or remodel subject to the terms of this Chapter shall be completed within twelve (12) months of the issuance of this permit; provided, however:

A. That, in the event any such project can reasonably be expected to extend for a greater period of time, such permit shall reflect the expected time to complete such project; and

B. That, upon request of any person, firm or entity required to obtain any such permit required in this Chapter, the time for the completion of the contemplated project shall be extended, with such approval of such extension not to be unreasonably withheld.

Sec. 31-1-15. Interpretation.

This Chapter is intended to set forth the procedures and costs for any contemplated construction, improvement or remodeling work subject to the terms hereof and, to the extent of any conflict between the terms of this Chapter and the terms of any building or other code, as may be adopted from time to time, the terms of the building or other code shall control; provided, however, that the terms of this Chapter shall control as to any fees, fines or other costs to be charged. The terms of this Chapter shall be interpreted broadly and in a manner consistent with providing the Department and the City power and authority to perform those acts necessary to provide for the peace, health, safety and welfare of the public.

Sec. 31-1-16. Site Clean-up.

Upon completion of any project subject to the terms of this Chapter, any person, firm or entity shall remove all excess building materials, tools, trash, or other unsightly or dangerous materials from the site within twenty (20) business days.

Sec. 31-1-17. State Inspection Fees.

All fees identified herein shall, in addition, include any costs for any inspection required by the State of Arkansas or any other governmental authority having jurisdiction over any entity requiring an inspection pursuant to the terms of this Chapter.

Sec. 31-1-18. Government Rates.

Notwithstanding any provision herein to the contrary, inspections for projects undertaken by the State of Arkansas, White County, the United States Government or any agency or subdivision thereof shall be charged, in addition to any permit fee, the sum of \$.50 per \$1,000.00 of any job cost for inspections pursuant to this Chapter.

Sec. 31-1-19. Definitions.

As used in this Chapter the following terms shall have the definitions as set forth here:

Certificate of Occupancy: A certificate or other form, in a form as approved by the Mayor or the designee of the Mayor, to be issued to any person prior to final occupancy, whether commercial or residential, of any property or improvement within the City, and indicating that the structure is acceptable for use or habitation.

Component: An integral, complete and divisible and replaceable part of a complete unit or assembly.

Department: Code Enforcement Department of the City of Searcy, Arkansas.

General Contractor: A contractor responsible for all facets of the construction of a building or a renovation, pursuant to a contract or agreement with the owner and who either uses its own employees to perform such work or retains subcontractors for such work.

Homeowner: Owner of residential dwelling who resides in said residential dwelling.

Prime Contractor: Contractor who assumes responsibility for completing a construction project, under control of the owner, and hires, supervises and pays all subcontractors.

Replacement: Removing and installing another, similar component unit or assembly and intending that other component to perform the same or similar function.

Structural Element: The supporting or load-bearing element of a structure of a building.

Sub-Contractor: Any person, firm or entity retained by a general contractor or prime contractor for the purposes of performing any work on any building, construction or renovation project.

Tradesman: A worker performing work, either for or on behalf of a homeowner of other owner of property, whether directly or on behalf of a prime contractor or general contractor and who specializes in a particular part of construction.

All other terms used in this Chapter shall have their ordinary and natural meanings. Any conflict between the terms of this Chapter and the terms as may be found in any building or other code, as may be adopted, shall have the usage found in such building or other code except as may be necessary to give effect to the terms of this Chapter.

ARTICLE II. Residential Construction – New and Add-On/Remodel

Sec. 31-2-1. Scope of Article.

The fees for residential construction shall apply to the construction, erection, placement or building of any new “stick-built” or manufactured home or other structure containing facilities that are intended, or that may be used, for residential occupancy, whether for rent or for use by the occupant of the structure, within the City. This Article shall apply to any specific project referenced herein or for any remodeling or add-on project that contemplates improvements in excess of \$5,000.00.

Sec. 31-2-2. Requirement of Inspection.

Every new structure to be used, or that has facilities that could reasonably be used, for residential occupancy within the City must be inspected by the Department for compliance with all building or other, related codes as may be adopted from time to time. Said inspection shall include, but shall not be limited to, inspections for:

- A. Structural elements of the building;
- B. Electric conductors, switches, outlets and fixtures;
- C. Plumbing and drainage;
- D. Heating, ventilation, air conditioning, and refrigeration.

Sec. 31-2-3. Fees for inspection.

Fees for conducting the inspections contemplated by this Section shall be paid at the following rates:

- A. Building: \$15.00 permit fee, plus \$.15 per square foot under roof.
- B. Add-On or Remodel: \$15.00 permit fee, plus \$2.00 per \$1,000.00 of the estimated cost of such improvement; provided, however, that no permit or inspection fees shall be assessed, levied or collected for any project estimated to cost less than \$5,000.00 for all work to be performed.
- C. Electrical:\$15.00 permit fee, plus \$35.00 inspection fee.
- D. Plumbing:\$15.00 permit fee, plus \$35.00 inspection fee.
- E. Heating and Air Conditioning: \$15.00 permit fee per unit plus \$35.00 inspection fee.
- F. Certificate of Occupancy: \$25.00

Notwithstanding anything herein to the contrary, the minimum total aggregate of the permit fee and inspection fee for any trade required to obtain an inspection as required by this Article shall be \$50.00.

All fees based upon the value of the contemplated improvement shall be paid by the general or prime contractor; provided, however, that in the event the prime contractor or general contractor shall fail or refuse to pay such amounts or in the event that there is no prime or general contractor, the owner of the structure or residence shall be responsible for the payment of such sum.

Sec. 31-2-4. Certificate of Occupancy.

Upon the completion of the final inspection (which shall be conducted to make a final determination of compliance with applicable building or other code), the Department shall make a determination of compliance with such applicable building or other code and determine whether a Certificate of Occupancy should be issued. In the event that a Certificate of Occupancy is to be issued, said Certificate shall be issued by the Department. In the event of a denial of a Certificate of Occupancy, the Department shall notify the applicant for such Certificate and state with reasonable specificity the basis for the denial of said Certificate.

ARTICLE III. Commercial, Institutional, and other than Residential Construction.

Sec. 31-3-1. Scope of Article.

The fees imposed by this Article shall apply to any construction, erection or building project for commercial, institutional or any other non-residential purpose or use.

Sec. 31-3-2. Requirement of Inspection.

Every structure to be located in the City and used, or that has facilities that could reasonably be used, for any purpose other than residential, or ancillary to residential purposes is subject to the inspections and fees identified in this Article for compliance with building and other, related codes as may be adopted. This Article shall further apply to any improvement specifically referenced herein and for any remodel that contemplates expenditures equal to or in excess of \$5,000.00. Said inspection shall include, but not be limited to, inspections for:

- A. Structural elements of the building;
- B. Building permits;
- C. Electric conductors, switches, outlets and fixtures;
- D. Plumbing and drainage;
 - A. Commercial Kitchen Vent Hoods;
 - B. Heating, ventilation, air conditioning, and refrigeration;
 - C. Plan review.

Sec. 31-3-3. Fees for inspection.

Fees for conducting the inspections contemplated by this Section shall be paid at the following rates:

- A. Building: \$15.00 permit fee, plus \$2.50 per \$1,000.00 job cost
- B. Electrical: \$15.00 permit fee, plus \$35.00 inspection fee.
- C. Plumbing: \$15.00 permit fee, plus \$35.00 inspection fee.
- D. Heating and Air Conditioning: \$15.00 permit fee per unit plus \$50.0 inspection fee.
- E. Commercial Kitchen Vent Hood: \$15.00 permit fee, plus \$35.00 inspection fee.
- F. Plan Review:
 - General Fees:
 - i. \$100,000.00 to \$499,999.99: \$50.00;
 - ii. \$500,000.00 to \$999,999.99: \$100.00;
 - iii. \$1,000,000 and over: \$150.00

Large Scale Development Review as required by the Subdivision Regulations of the City of Searcy, Arkansas (which shall be in addition to any other cost, fee or expense required or specified by the City of Searcy, the State of Arkansas, or any other governing jurisdiction:

- i. For review of developments with an aggregate square footage of building of 20,000 square feet or more but less than 50,000 square feet: \$100.00.
- ii. For review of developments with an aggregate square footage of building of 50,000 square feet but less than 100,000 square feet: \$200.00
- iii. For review of developments with an aggregate square footage of building amounting to 100,000 square feet or more: \$250.00.

G. Certificate of Occupancy: \$50.00

All permit and direct inspection fees shall be paid by the sub-contractor or tradesman or other person performing such work. All fees based upon the value of the contemplated improvement shall be paid by the general or prime contractor based upon the total value of the contemplated project, inclusive of all sub-contracts; provided, however, that in the event that there is no general or prime contractor for any specific site, said fee shall be paid by the tradesman or other person performing such work.

By way of example, in a project with a total value of \$1,000,000.00, the prime contractor shall pay to the City a fee in the amount of \$2,500.00, and the respective sub-contractors would pay an inspection fee for each relevant portion of the work to be performed such that, by way of example, a HVACR sub-contractor installing one air conditioning system would pay an inspection fee of \$65.00.

By way of further example, in the event there is no general or prime contractor or said contractor fails or refuses to pay such amount, in the event the HVACR portion of the project totals \$100,000.00, the HVACR contractor shall pay, in addition to the sum required for the inspection, the sum of \$250.00. *(As amended by Ord. No. 2010-24, § 1, 9-14-2010)*

Sec. 31-3-4. The Department shall conduct not less than three inspections for each of the required inspections, as set forth in Section 31-3-2. These inspections shall include:

A. Initial Inspection. The purpose of this inspection is to view the site and make an initial determination of compliance with the applicable building or other code.

B. Intermediate Inspection. The purpose of this inspection is to view the site during the construction or implementation of the contemplated improvements and make an interim determination of compliance with applicable building or other code.

C. Final Inspection. The purpose of this inspection is to view the site upon the completion of the contemplated improvements and make a final determination of compliance with applicable building or other code.

Sec. 31-3-5. Certificate of Occupancy.

Upon the completion of the final inspection, the Department shall make a determination of compliance with applicable building or other code and determine whether a Certificate of Occupancy should be issued. In the event that a Certificate of Occupancy is to be issued, said Certificate shall be issued by the Department. In the event of a denial of a Certificate of Occupancy, the Department shall notify the applicant for such Certificate and state with reasonable specificity the basis for the denial of said Certificate.

ARTICLE IV. Miscellaneous Permit and Inspection Fees.

Sec. 31-4-1. Demolition.

Any removal, destruction, or demolition of 50% or greater, as measured by the total square footage thereof, of any existing structure having a square footage of 500 square feet prior to any such removal, destruction or demolition, the person, firm or entity performing such removal, destruction, or demolition shall be required to obtain a permit for said project in the following amounts:

- A. Residential Structure: \$35.00
- B. Non-Residential Structure: \$50.00

Sec. 31-4-2. Fence Permit. Prior to the erection of any fence adjacent or ancillary to any structure, the person, firm or entity erecting or building said fence shall pay the following permit fee:

- A. Residential: \$15.00
- B. Non-residential: \$15.00 permit fee,
plus \$2.50 per \$1,000.00 of the estimated cost
of the project

Any person, firm or entity applying for such a permit shall deliver to the Department a diagram of the contemplated fence and specify the manner, mode and material to be used in construction of said fence and, for any non-residential construction project, an estimate of the cost of the project. Any permit issued pursuant to this Section shall only permit construction or erection of the fence so identified to the Department. *(Ord. No. 2020-21, § 1)*

Sec. 31-4-3. Swimming Pool Permit.

For any swimming pool or other, similar structure used to immerse a person or animal, and subject to the Standard Swimming Pool Code, shall pay the following fees:

A. Residential. \$35.00 permit fees, plus \$2.50 per thousand dollars of the cost of said contemplated improvement. Notwithstanding anything in this Section, the minimum fee for any residential swimming pool shall be not less than \$40.00.

B. Non-residential. \$50.00 permit fees, plus \$2.50 per thousand dollars of the cost of said contemplated improvement. Notwithstanding anything in this section, the minimum fee for any swimming pool shall be \$100.00.

C. In addition to the fees for the construction of a swimming pool pursuant to this

Section, in the event the contemplated improvement is to include any below-ground or submerged lights that project into the swimming pool or uses electrical means to pump water, the person, firm or entity requiring the permit specified herein shall further obtain and pay for any electrical inspection or permit as may be required by this Article.

Sec. 31-4-4. Sign Permit.

For any non-residential site, any person, firm or entity erecting any sign, placard or other display on the exterior of any building or on any free-standing structure to either display the name or business to be conducted thereon or advertising any wares or services to be obtained, there shall be due the permit fee as follows:

A. \$15.00 permit fee plus \$2.50 per thousand dollars of the cost of the contemplated improvement.

B. In addition to the permit fee, any person, firm or entity requiring said permit must also pay any permit or inspection fees for any electrical work to be installed in, on, adjacent to, or in any way connected to or ancillary to the function or structure of said sign.

Sec. 31-4-5. Water Heater Replacement.

For any water heater requiring replacement, there is imposed a \$10.00 permit fee for the replacement of said water heater and there shall be imposed an inspection fee of \$8.00.

Sec. 31-4-6. Heating and Air Conditioning Component Replacement.

For the replacement of any component of any heating or cooling system, which, for the purposes of this paragraph shall include the heating unit or condensing unit or other mechanism to be used to force the heated or cooled air through ductwork, there shall be imposed a permit fee of \$15.00 and an inspection fee of \$8.00. No inspection or fees will be made, levied or collected for any parts replacement or repair work performed on existing components.

Sec. 31-4-7. Shooting Ranges.

A. In addition to the fees required for the construction of a commercial structure, any facility at which the firing of any firearm may be undertaken shall pay an annual license and inspection fee in the sum of \$50.00 and shall consent to inspections, at the discretion of the Department, to ensure compliance with applicable building codes and for safety and security. In the event of changes and modifications to applicable building codes from and after the date of the initial issuance of any permit to conduct business as contemplated by this Section, any annual inspection shall determine the necessity of integration of such modified methods or construction and communicate the proposed modification to the operator, in writing, as soon as may be practicable

after such inspection. Any facility for which a permit is issued pursuant to this Section shall undertake to construct any modification required by the Department within sixty (60) days of the receipt of such notice and shall incorporate all modified procedures within seven (7) business days of the receipt of such notice. Failure to make such modification as may be required within the time set forth herein shall result in the immediate termination of any permit to engage in the business contemplated by this Section.

B. For the purposes hereof, "firearm" shall mean any pistol, handgun, rifle, machine gun, shotgun, or any other nature or type firearm or gun or any powder or explosive or combustible material employed for the purposes of propelling a projectile.

C. No permit for the firing of any firearm may be issued to any facility that permits the discharge of a firearm not within an indoor space that is enclosed by four walls, a ceiling, and floor composed of concrete, masonry or other substance of similar durability so as to prevent penetration by projectiles discharged from firearms and to dampen, muffle and limit penetration by the sound of the discharge of firearms within the facility.

D. Any holder of any permit issued pursuant to this Section shall provide to the Department certification of compliance with applicable regulations imposed by the State of Arkansas or the United States of America and shall provide documentation of continued compliance as often as the Department may require. Any loss of certification shall result in the termination of any permit issued pursuant to this Section.

E. No such permit shall be issued under this Section for the operation of a shooting range until:

- (i). Certification has been made of the ownership and management, if different from the ownership thereof, of the proposed facility by the Chief of Police that the ownership and management of the proposed facility have not been convicted of any felony or other crime of violence against any other person;
- (ii). Certification by the Department of compliance with then applicable building and safety codes; and
- (iii). Payment of all necessary fees. (*Ord. No. 2006-17, § 2, 7-11-2006*)

ARTICLE V. Modular and Manufactured Construction

Sec. 31-5-1. Scope of Article.

This Article shall apply to all structures constructed, erected, installed, set or placed in the City that are composed, comprised or in any way incorporate any pre-fabricated elements or component elements which include electrical conductors, plumbing, ducts or any other structural elements that are installed or manufactured at a site other than where said elements are to be placed for final installation and that are used, occupied or inhabited for a duration longer than one hundred twenty (120) days. For the purposes of this Article, a contractor shed, trailer or other, similar structure that is for temporary offices of a contractor performing work relating to the construction of improvements shall not come within the scope of this Article.

Sec. 31-5-2. Requirement of Certificate.

Any structure composed, in whole or in part, of any prefabricated structural element containing any electrical conductor, plumbing, structural element or duct must be certified by an engineer or architect licensed by the State of Arkansas or, if not certified by such architect or engineer upon its manufacture, subject to such certificate of approval to be issued by the Department prior to installation on the site of the contemplated improvement.

Sec. 31-5-3. Requirement of Inspection.

Any structure composed, in whole or in part, of any prefabricated structural element containing any electrical conductor, plumbing, structural element or duct shall be inspected by the Department for compliance with all applicable building and other code, as may be adopted. In the event that any element subject to this Article is erected prior to inspection, no certificate of occupancy may be issued absent certification by the Department.

Sec. 31-5-4. Inspection Fee.

For any structure composed, in whole or in part, of any prefabricated structural element, there shall be imposed the following fees:

- A. Building Fee: \$15.00 plus \$2.50 per thousand dollars of the contemplated improvement.

- B. Inspection Fee: \$50.00 for each of the following elements:
 - I. HVACR, per separate system;
 - II. Plumbing;
 - III. Structural elements;
 - IV. Commercial vent hood, if applicable;

- V. Electrical conductors and related components;
- VI. Any other inspection required by applicable code or codes.

C. Certificate of Occupancy: \$25.00

ARTICLE VI. Penalties

Failure to comply with the requirements of this Chapter will result in the following penalties, which shall be in addition to any administrative fees as otherwise provided in this Chapter:

A. Upon the first finding of non-compliance with any requirement of this Chapter, the Department shall issue a written warning to the non-complying person, firm or entity.

B. Upon the second, third and fourth finding of non-compliance with any requirements of this Chapter, the Department may assess a fine not to exceed \$100.00 for each day of non-compliance.

C. Upon the fifth or subsequent finding of non-compliance with any requirement of this Chapter, the Department may bar the person, firm or entity performing such work from obtaining any permit under this Chapter and either:

- i. Remove the offending improvement; or
- ii. Deny or revoke the certificate of occupancy for the offending improvement.

D. Payment of the fines imposed by this Article shall be paid to the Searcy District Court Clerk and remitted to the City and the sums collected shall be in addition to any court costs imposed.

E. In the event that any person, firm or entity elects not to pay such fine as imposed pursuant to this Article, a hearing shall be set by the Searcy District Court Clerk at which any party in interest may call witnesses and any decision may be appealed to the Circuit Court.

F. The appeal of any decision to bar any person, firm or entity from obtaining a permit under this Chapter or directing the removal of the offending improvement or revocation or denial of the issuance of any certificate of occupancy may appeal such decision of the Department to the Searcy District Court and any decision of the Searcy District Court may be appealed to Circuit Court.
(Ord. No. 2005-19, 6-14-05;)

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