

ORDINANCE NO. 2019 - 101

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
SECTION 11.04.04 NON-OCCUPANCY DEPOSIT AND REQUIRING A
CONSTRUCTION DEPOSIT.**

WHEREAS, the City of Bentonville adopted Ordinance No. 96-3 establishing a non-occupancy deposit for new construction and additions of occupiable structures and establishing a deposit amount of \$250 for residential permits and \$500 for commercial permits.

WHEREAS, the City of Bentonville adopted Ordinance No. 2004-96 increasing the deposit amount to \$500 for residential permits and \$1,000 for commercial permits.

WHEREAS, a deposit is necessary for non-occupiable structures to ensure inspections are scheduled and passed to protect the public health, safety and welfare.

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

Section 1. That the Bentonville Code of Ordinances be amended by deleting *Sec. 11.04.04 Non-occupancy deposit* and replacing it with the following and adding Sec. 11.04.05:

Section 11.04.04 Construction deposit required. *Any person required to obtain a building permit shall provide a deposit at the time of purchasing the permit in an amount approved by City Council. The said deposit will be held by the City until the structure is completed and passes all required inspections. Upon satisfaction of the building inspector that the structure is complete and passes the final inspection, the deposit may be refunded in full to the person who paid the deposit or remain in a non-interest bearing account if multiple or future projects are being constructed. The amount of the deposit shall be as follows:*

<i>Residential occupiable buildings and occupiable remodels and additions:</i>	<i>\$500.00</i>
<i>Commercial occupiable buildings and occupiable remodels and additions:</i>	<i>\$1,000.00</i>
<i>All other non-occupiable structures:</i>	<i>\$200.00</i>

Sec. 11.04.05 Construction deposit forfeiture.

(a) Building permits for occupiable structures. *Permits issued for new construction of an occupiable building or for an occupiable remodel or addition to an existing structure and the structure is occupied before the final inspection is passed, the deposit shall be forfeited to the City of Bentonville and must be replaced before a permit shall be granted*

on construction of any other occupiable structure in the City of Bentonville or further inspections are performed on existing projects under construction.

(b) Building permits for non-occupiable structures. For permits of all other non-occupiable structures that do not pass a final inspection within the timeframe that the permit is valid, the deposit shall be forfeited to the City of Bentonville.

Section 3. That Ordinance No. 96-3 and Ordinance No. 2004-96 are hereby repealed.

Section 4. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 25th day of June, 2019.

APPROVED:

Stephanie Orman
Mayor Stephanie Orman

ATTEST:

Linda Spence
City Clerk

