



Town of Alpena
PO Box 128
Alpena, AR 72611
(870) 437-2272

ORDINANCE NO. 2026-_____

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 258-A, ORDINANCE NO. 6, AND ORDINANCE NO. 2026-7; ESTABLISHING UNIFORM SITING, PERMIT, INSPECTION, AND OCCUPANCY REQUIREMENTS FOR BUILDINGS AND DWELLINGS; ESTABLISHING MANUFACTURED-HOME INSTALLATION AND PERIMETER-ENCLOSURE REQUIREMENTS; PROVIDING NOTICE, PENALTIES, GRANDFATHER PROTECTION, SEVERABILITY, AND AN EMERGENCY CLAUSE

WHEREAS, the Town may enforce applicable building and safety requirements under A.C.A. § 14-56-202; and
WHEREAS, A.C.A. §§ 14-54-1601 through 14-54-1606 permit reasonable manufactured-home placement requirements but preempt inconsistent local construction and installation standards; and
WHEREAS, Ordinance No. 258-A and its amendments should be consolidated, shortened, and limited to lawful, objective requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPENA, ARKANSAS:

SECTION 1. SCOPE AND DEFINITIONS.

- A. This Ordinance governs permits, placement, installation, inspection, and occupancy of new, relocated, materially altered, or newly occupied buildings and dwellings in the Town. It creates safety and siting requirements, not zoning districts or residential-density limits.
- B. "Building official" means the Council's designee who administers permits and approvals. "Legal lot" means a separately platted or otherwise lawfully established lot shown by recorded instruments or competent survey evidence. A common owner or tax-parcel number does not by itself merge separate legal lots. "Manufactured home" means a factory-built dwelling constructed on a permanent chassis under applicable federal standards. "Qualified inspector" means an independent person holding a current credential appropriate to the work inspected.

SECTION 2. PERMIT, SURVEY, AND SITE PLAN.

- A. A Town permit is required before constructing or relocating a principal building or dwelling, enlarging its footprint, or converting a structure to occupied use.
- B. A sealed boundary survey by an Arkansas-licensed surveyor is required for a new or relocated principal dwelling. The building official may accept an accurate existing survey and may waive a sealed survey for a minor accessory building when boundaries and easements can otherwise be verified.
- C. A current site plan shall show property lines, streets, rights-of-way, easements, structures, setbacks and building separation, foundations, utilities, water and wastewater facilities, parking, driveways, emergency access, drainage, and known flood hazards. Permit decisions shall use objective requirements.

SECTION 3. LOCATION, ACCESS, AND PARKING.

- A. Each building shall remain within its lawful lot and outside adjoining property, public rights-of-way, and easements unless lawfully authorized. Placement shall comply with valid setbacks and applicable fire, health, drainage, wastewater, utility, and emergency-access requirements. No entrance must face a particular street if safe lawful access is provided.
- B. Each new or relocated principal dwelling shall provide at least one off-street parking space on the same lot, outside the street and right-of-way, with lawful driveway access. Every provided space shall be at least nine feet by eighteen feet. Parking and driveways shall be stable, drained, and shall not obstruct emergency access, utilities, sidewalks, neighboring access, or traffic visibility. Street parking does not satisfy this requirement; restrictions on street parking shall be enforced under an applicable traffic or parking ordinance.

- C. Required building separation, parking, access, drainage, utilities, easements, and wastewater areas shall be shown separately and shall not be double-counted or overlapped unless controlling law permits it.
- D. Each legal lot within a parcel may contain a principal dwelling, including a manufactured home, when that lot and dwelling independently comply with this Ordinance and controlling law. No dwelling or required foundation may cross a legal lot line unless the affected lots are lawfully combined or the encroachment is otherwise lawfully corrected.

SECTION 4. CONSTRUCTION AND MANUFACTURED HOMES.

- A. Construction, foundations, stairs, guards, utilities, and water and wastewater connections shall comply with applicable Arkansas codes, licenses, approved plans, and manufacturer specifications. Required utility, state-agency, and Arkansas Department of Health approvals shall be obtained before occupancy.
- B. A manufactured home shall have the required HUD label or accepted replacement documentation and shall be installed or supervised by an Arkansas-licensed installer under the manufacturer's approved instructions and Arkansas Manufactured Home Commission requirements. Approved footings, piers, supports, anchoring, tie-downs, drainage, and utility connections are required. A compliant pier-and-footing or other approved system is sufficient; excavation, a basement, or continuous masonry foundation is not independently required.
- C. A manufactured home shall not be subjected to a local construction, design, foundation, parking, occupancy, roof, exterior-material, or entrance-orientation requirement prohibited by A.C.A. §§ 14-54-1601 through 14-54-1606 or other controlling law.

SECTION 5. PERIMETER ENCLOSURE.

After supports, anchoring, and utilities are inspected, a manufactured home shall have durable, weather-resistant skirting or another perimeter enclosure securely installed and maintained from the home to grade. It shall provide required ventilation, drainage, and service access and shall not conceal work before inspection. Any suitable manufactured, metal, masonry, concrete-panel, composite, treated-wood, or equivalent product may be used. The enclosure is not a structural foundation unless designed and certified as one. This is a Town placement requirement authorized by A.C.A. § 14-54-1604(b)(1), not a statement that state or federal law universally requires skirting.

SECTION 6. INSPECTION AND OCCUPANCY.

- A. Before occupancy, a qualified inspector shall provide written final approval within that inspector's lawful scope, and the building official shall issue written occupancy clearance. Applicable inspections include location, foundation, structure, manufactured-home support and anchoring, utilities, stairs, water and wastewater, and final life safety. Work shall not be concealed before required inspection.
- B. A licensed installer or trade contractor may certify only work within that person's lawful scope. The applicant shall pay professional inspection costs. Town fees must be established by Council action and reasonably related to administrative or contracted costs. Occupancy clearance records approvals received and is not a Town warranty.

SECTION 7. CONTINUING EFFECT AND EXISTING CONDITIONS.

- A. Each lawful requirement originating in Ordinance No. 258-A, Ordinance No. 6, or Ordinance No. 2026-7 and carried forward here without substantive change is continued, not newly imposed, and retains the effective date and lawful application of the ordinance from which it originated.
- B. A requirement first created or made more restrictive by this Ordinance applies only to work commenced, placement made, relocation performed, or use established on or after this Ordinance's effective date. No repealed, preempted, invalid, or otherwise unenforceable provision is preserved or revived. In particular, this Ordinance does not continue Ordinance No. 2026-7's blanket prohibition against placing a manufactured home on a parcel containing another dwelling; separate legal lots within a parcel are governed by Section 3(D).
- C. A building or use lawful before the effective date of the requirement governing it may remain in its existing location and lawful use without a new survey, placement permit, inspection, or occupancy clearance solely because this Ordinance is adopted. Protection does not legalize a condition unlawful when created; excuse later work; authorize unlawful expansion, relocation, abandonment, or change of use; or prevent correction of an unsafe, unsanitary, or hazardous condition. Ordinary maintenance does not terminate protection.

SECTION 8. NOTICE, ENFORCEMENT, AND PENALTIES.

- A. ~~Written~~ notice shall identify the property, responsible person, violation, required correction, and possible enforcement. It shall allow not more than twenty (20) days to correct and may be served personally, at the person's usual abode or business, by certified mail, or by conspicuous posting for at least twenty-four (24) hours. A shorter period, stop-work order, or no-occupancy order may be used when lawfully necessary for an immediate safety hazard, concealed uninspected work, or unauthorized occupancy.
- B. A person responsible for an enforceable violation or failure to obey a lawful corrective order is guilty of a misdemeanor upon conviction. Each day or portion continuing after the correction period is a separate offense. The maximum fine is Three Hundred Dollars (\$300.00) for a first offense and Two Hundred Dollars (\$200.00) per day for a continuing violation, subject to Arkansas law. Prosecution may proceed by warrant, law-enforcement citation, or other lawful process. A fine does not authorize continued violation or occupancy.

SECTION 9. ADMINISTRATION, APPEAL, AND REPEALER.

- A. The Council shall designate a building official. A denial or no-occupancy decision shall be written. The applicant may appeal to the Council by written request filed with the Recorder/Treasurer within ten (10) business days. The Council may affirm, reverse, or remand but shall not waive controlling law.
- B. This Ordinance consolidates and replaces Ordinance No. 258-A, Ordinance No. 6, and Ordinance No. 2026-7, which are repealed upon this Ordinance's effective date. Other ordinances are repealed only to the extent of conflict. Repeal does not excuse a prior violation, cancel a lawfully incurred liability or proceeding, invalidate a lawful permit, or alter Section 7.

SECTION 10. SEVERABILITY AND EMERGENCY.

If any provision or application is invalid, the remainder remains effective. The Council finds that immediate consolidation of lawful siting, installation, inspection, and enforcement requirements is necessary to protect public peace, health, safety, and welfare. An emergency is declared, and this Ordinance takes effect immediately upon passage and approval.

Date: ____/____/____

Approved: _____

Attest: _____

Mayor David C. Meyer

Recorder/Treasurer Ali Grant

ROLL CALL VOTE:

Yea/Aye	Nay/No	Alderman		Yea/Aye	Nay/No	Alderman
		Ottis Morse				Kelly Pouncil
		Chris Massengale				Jeff Battenfield
		Bonnie Morton				

_____ **PASSED AND ADOPTED**

_____ **MOTION FAILED**

EMERGENCY CLAUSE ROLL CALL VOTE

Yea/Aye	Nay/No	Alderman
		Ottis Morse
		Chris Massengale
		Bonnie Morton
		Kelly Pouncil
		Jeff Battenfield

_____ **EMERGENCY CLAUSE PASSED**

_____ **EMERGENCY CLAUSE FAILED**