



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

ORDINANCE NO. 2026-11

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 258-A, ORDINANCE NO. 6, AND ORDINANCE NO. 2026-7; ESTABLISHING UNIFORM RESIDENTIAL PERMIT, SITING, MANUFACTURED-HOME, RECREATIONAL-VEHICLE/TRAVEL-TRAILER OCCUPANCY, ACCESSORY-DWELLING-UNIT, OCCUPANCY, ADMINISTRATION, ENFORCEMENT, GRANDFATHER PROTECTION, SEVERABILITY, AND AN EMERGENCY CLAUSE

WHEREAS, A.C.A. § 14-56-202 authorizes an incorporated town to enforce building and safety codes, require building permits, and designate the official who issues such permits;

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

SECTION 1. SCOPE.

This Ordinance governs the construction, placement, relocation, replacement, enlargement, installation, permitting, and occupancy of residential dwellings within the Town of Alpena, including site-built, modular, manufactured, relocated, replacement, and qualifying accessory dwelling units. It establishes residential building, safety, and siting procedures and does not create zoning districts or exercise zoning authority not otherwise lawfully adopted by the Town. It also governs the residential occupancy and use of recreational vehicles and travel trailers as provided in Section 6A.

SECTION 2. DEFINITIONS.

- A. "Permit Administrator" means the Mayor or the Mayor's designee authorized under Section 9 to administer this Ordinance.
- B. "Legal building site" means a lawful lot, or a combination of lots lawfully established as one building site by a recorded instrument, on which a dwelling and its required improvements may be located.
- C. "Manufactured home" means a factory-built dwelling constructed on a permanent chassis under applicable federal manufactured-housing construction and safety standards.
- D. "Accessory dwelling unit" or "ADU" has the meaning provided in A.C.A. § 14-56-205.
- E. "Qualified professional" means a person or governmental agency holding the license, registration, certification, or legal authority appropriate to the work being inspected, approved, or certified.
- F. "Lawful placement" means final placement of a dwelling at the location shown on the approved permit, survey, and site plan, entirely within the legal building site and in compliance with applicable Town requirements. Delivery, storage, staging, temporary parking, maneuvering, or physical presence on a parcel before lawful final placement does not constitute lawful placement or lawful occupancy and does not by itself establish a lawful nonconforming use.
- G. "Recreational vehicle or travel trailer" means a motorized or towable vehicular or portable structure designed primarily for temporary recreational, camping, travel, or seasonal use and not constructed, approved, and installed as a permanent residential dwelling under applicable residential or manufactured-housing requirements.

SECTION 3. RESIDENTIAL PERMIT, SURVEY, AND SITE PLAN.

- A. Before work begins, a Town residential permit is required for a new, replacement, or relocated dwelling, including a site-built, modular, or manufactured dwelling; a residential addition that enlarges the building footprint; a qualifying ADU; or conversion of a structure to residential occupancy.
- B. The application shall identify the owner, property, proposed project, approximate dimensions, proposed foundation or support system, utilities, and expected start or placement date, together with documents applicable to the project.
- C. For a new or relocated principal dwelling, the applicant shall provide a boundary survey prepared and signed by an Arkansas-licensed surveyor. The Permit Administrator may accept an accurate existing licensed survey.
- D. A current site plan shall show, as applicable, the legal building site and recorded lot lines; property lines; streets and rights-of-way; recorded easements; existing and proposed structures; setbacks and separation; foundation footprint; utilities; water and wastewater facilities; parking; driveways; emergency access; drainage; and known flood-hazard areas.
- E. The Permit Administrator shall use objective Town requirements and issue the permit when applicable administrative requirements are satisfied. Any denial or deficiency notice shall be written and identify what must be corrected or supplied.
- F. A residential permit is valid for one (1) year from the date of issuance unless the permitted work is completed sooner. Renewal procedures, application forms, and administrative fees may be established by resolution of the Town Council. For a relocated dwelling, the six-month completion and removal requirements in Section 4 apply notwithstanding the one-year permit term.

SECTION 4. LEGAL BUILDING SITE, SITE CONDITIONS, AND RELOCATED DWELLINGS.

- A.** Every dwelling, foundation, and structural support shall be located entirely within the legal building site shown by the required survey and site plan and shall not cross a recorded lot line, encroach upon adjoining property, or occupy a public right-of-way or recorded easement unless lawfully authorized.
- B.** If two or more recorded lots are needed to contain the dwelling, foundation, structural supports, required setbacks, or other required site improvements, the affected lots shall first be lawfully combined, replatted, adjusted, or otherwise established as one legal building site by an appropriate recorded deed, plat, survey, or other legally sufficient instrument. The instrument shall be recorded in the county before the Town issues the residential permit, and the applicant shall provide the Town a recorded copy and a survey showing the resulting legal building site. Common or adjoining ownership, or a single county tax-parcel number, does not by itself eliminate a recorded lot line or establish one building site.
- C.** Every project shall satisfy applicable setbacks, fire-separation, health, drainage, wastewater, utility, floodplain, and emergency-access requirements, and lawful water and wastewater service shall be available as required by applicable law.
- D.** Each new or relocated principal dwelling shall provide at least one off-street parking space on the same legal building site, outside the street and right-of-way, at least nine (9) feet by eighteen (18) feet, with lawful driveway access. Parking and driveways shall not obstruct emergency access, utilities, sidewalks, neighboring access, or traffic visibility.
- E.** No relocated dwelling shall be moved onto or delivered to property within the Town until a residential permit has been issued and the approved survey and site plan identify its final location. Upon delivery, the dwelling shall be placed at that approved location and shall not be stored or temporarily parked elsewhere on the property except for temporary maneuvering reasonably necessary for placement. Delivery or temporary presence alone does not constitute lawful placement.
- F.** A relocated dwelling shall complete installation and obtain Final Compliance and Occupancy Authorization within six (6) months after first delivery or placement on the property. Before that deadline, the owner may request one written extension from the Town Council based upon documented circumstances beyond the owner's reasonable control, limited to the minimum additional time reasonably necessary. If final authorization is not obtained by the applicable deadline, the Permit Administrator shall issue written notice requiring completion and final authorization, or removal of the dwelling, within the stated correction period. Continued presence after that period is a violation subject to the Town's General Municipal Penalty Ordinance. Separate unsafe buildings or nuisance proceedings may be used when actual conditions warrant.

SECTION 5. ACCESSORY DWELLING UNITS.

- A.** At least one qualifying ADU shall be allowed by right on a lot or parcel containing a qualifying single-family dwelling, subject to A.C.A. § 14-56-205 and other applicable regulatory requirements.
- B.** A detached or attached ADU shall not exceed seventy-five percent (75%) of the gross-floor area of the single-family dwelling or one thousand (1,000) square feet, whichever is less, unless controlling law provides otherwise.
- C.** The Town shall not require additional parking solely for an ADU, owner occupancy, a familial or employment relationship between occupants, separate water or sewer service, or another condition prohibited by A.C.A. § 14-56-205. To the extent allowed by that law, the Town may require a will-serve letter from municipal water and sewer systems, or Arkansas Department of Health approval where municipal service is unavailable.
- D.** ADU review is administrative and shall not require a public hearing, variance, conditional use permit, special permit, special exception, or other discretionary zoning action when state law provides approval by right.

SECTION 6. MANUFACTURED-HOME INSTALLATION AND PERIMETER ENCLOSURE.

- A.** A manufactured home shall bear the required federal HUD certification label or accepted replacement documentation.
- B.** A new manufactured home shall be installed according to the manufacturer's approved instructions, and a used manufactured home shall be installed according to applicable Arkansas Manufactured Home Commission requirements. Installation shall be performed or supervised by a licensed manufactured-home installer when required by Arkansas law.
- C.** Required footings, piers, supports, anchoring, tie-downs, drainage, utility connections, stairs, landings, and other installation components shall comply with applicable law and approved specifications. The manufactured home must have a lawful pier-and-footing, engineered, manufacturer-approved, or other approved support system that satisfies applicable structural-support requirements.
- D.** After required inspection or certification of work that would be concealed, the manufactured home shall have a securely installed, durable, weather-resistant perimeter enclosure from the home to grade. The enclosure shall provide required ventilation, drainage, and service access and shall not conceal work before required inspection or certification. The enclosure is not a structural foundation unless designed and certified as one.
- E.** No manufactured home shall be subjected to local construction, design, foundation, exterior-material, entrance-orientation, or other condition prohibited by controlling state or federal law.

SECTION 6A. RECREATIONAL VEHICLES AND TRAVEL TRAILERS.

- A.** A recreational vehicle, camper, travel trailer, fifth-wheel trailer, motor home, or similar recreational unit shall not be used or occupied as a dwelling, permanent residence, sleeping or guest quarters, or other additional living space on a lot, parcel, or legal building site.

B. On property containing a dwelling, such a unit shall not be occupied to provide additional residential living space or to create an additional dwelling. Temporary recreational occupancy is permitted only when expressly authorized by another applicable Town ordinance, controlling law, or lawful written authorization.

C. Lawful storage or parking of an unoccupied recreational vehicle or travel trailer is not prohibited by this Section where otherwise permitted. A recreational vehicle or travel trailer does not qualify as an accessory dwelling unit merely because it contains sleeping, cooking, or sanitation facilities; any claimed ADU must independently satisfy controlling law and the requirements applicable to a lawful dwelling.

SECTION 7. PROFESSIONAL APPROVALS AND FINAL COMPLIANCE AND OCCUPANCY AUTHORIZATION.

A. The Permit Administrator performs administrative review only and, solely by serving in that role, does not act as a licensed or certified technical inspector. Before final occupancy authorization, the applicant shall submit all inspections, certifications, utility approvals, agency approvals, and installer documentation required by applicable law or the approved permit. Upon receipt of those documents and confirmation of administrative compliance with the approved site plan and Town requirements, the Permit Administrator shall issue Final Compliance and Occupancy Authorization. The authorization confirms administrative compliance and receipt of required documentation and is not a professional certification or warranty by the Town or any Town official.

B. When a professional inspection, certification, or governmental approval is required, the property owner is responsible for obtaining and paying for qualified professional or governmental approval unless the Town elects to arrange the service. The owner may use a qualified professional of the owner's choice when permitted by law. The Town does not require use of a particular inspector unless controlling law requires a particular official or the Town has elected to arrange a Town-contracted inspection.

C. If final authorization is withheld, the Permit Administrator shall provide written notice identifying the missing or deficient item and shall not waive or overrule the professional or governmental approval required by law.

SECTION 8. EXISTING CONDITIONS, TRANSITIONAL DWELLINGS, AND GRANDFATHER PROTECTION.

A. Requirements first created or made more restrictive by this Ordinance apply prospectively to regulated work, placement, relocation, conversion, or use begun after its effective date unless controlling law requires otherwise.

B. A dwelling or residential use lawful when established may continue without obtaining a new survey, permit, professional approval, or Final Compliance and Occupancy Authorization solely because this Ordinance is adopted.

C. Delivery, storage, staging, temporary parking, or physical presence of a manufactured or relocated dwelling within the Town before the effective date of this Ordinance, without lawful final placement, permanent installation, and lawful occupancy, does not by itself constitute lawful placement or establish a lawful nonconforming use. A dwelling physically present on the effective date but not permanently installed at a lawful final location, lawfully occupied, or otherwise protected under controlling law shall comply with the placement, survey, site-plan, foundation or support, required inspection or certification, and occupancy requirements of this Ordinance before further installation or occupancy.

D. After written notice from the Permit Administrator, the owner of a dwelling subject to subsection C shall, within the correction period stated in the notice and not exceeding twenty (20) days, either: (1) submit the required permit application, survey, site plan, and a written compliance plan showing how the dwelling will be lawfully placed and completed under this Ordinance; or (2) submit a written plan for removal of the dwelling from the property. No further regulated installation or occupancy may occur until the applicable permit and final-placement requirements are satisfied. If a residential permit is issued for a dwelling already physically present on the effective date, the six-month completion period in Section 4(F) begins on the date that permit is issued.

E. Grandfather protection does not legalize an originally unlawful condition, excuse later regulated work, authorize unlawful expansion or relocation, prevent correction of a dangerous or unlawful condition, or limit any vested right or other protection that controlling law requires the Town to recognize.

SECTION 9. ADMINISTRATION, ENFORCEMENT, AND APPEAL.

A. The Town Council hereby designates and authorizes the Mayor, or the Mayor's designee, to serve as the Permit Administrator and enforcement officer for this Ordinance and for every resolution, permit form, checklist, administrative procedure, or other non-legislative measure adopted or issued pursuant to this Ordinance. Unless the Council designates another enforcement officer by ordinance or resolution, the Mayor shall serve as the Town's enforcement officer for matters arising under this Ordinance.

B. Subject to the standards and limits stated in this Ordinance and controlling law, the Permit Administrator is authorized to administer and enforce every administrative provision of this Ordinance and related Council resolutions; receive and review applications and supporting documents; determine administrative completeness and compliance; approve, conditionally approve, deny, withhold, suspend, or revoke administrative permits or authorizations when the applicable objective requirements are or are not satisfied; request reasonably necessary documents; coordinate Town, utility, State, and professional clearances; issue written deficiency and compliance notices; issue final administrative authorizations; maintain records; and take other non-legislative administrative actions reasonably necessary to carry out this Ordinance.

C. The Permit Administrator, acting as the Town's enforcement officer, may investigate and document apparent violations; issue stop-work, stop-placement, no-occupancy, correction, completion-or-removal, and other lawful administrative orders authorized by this Ordinance; issue or cause the issuance of notices or citations when permitted by law; and refer matters for prosecution, injunction, or other lawful enforcement. The Permit Administrator may not finally adjudicate a criminal offense, impose a court fine, exercise a power reserved by law to the Council or a court, or perform a professional technical inspection or certification for which a license or other legal qualification is required.

D. The Mayor may designate another person in writing to perform one or more administrative or enforcement functions under this Ordinance. A designee acts under the authority of this Ordinance and within the scope of the written designation. The Mayor may modify or withdraw the designation at any time unless controlling law provides otherwise.

E. Except when immediate action is reasonably necessary for safety or to prevent concealment of regulated work, a written enforcement notice shall identify the property, responsible person, violation, required correction, correction period, and possible enforcement. Unless another period is specifically established by this Ordinance, the correction period shall not exceed twenty (20) days. Notice may be served by any method authorized by law.

F. A violation of this Ordinance or a lawful administrative or enforcement order issued under it is subject to the Town's General Municipal Penalty Ordinance, as amended. Payment of a fine does not authorize continued violation, work, placement, or occupancy.

G. An applicant or affected owner may appeal a written administrative decision by filing a written request with the Recorder/Treasurer within ten (10) business days. The Council may affirm, reverse, or remand the administrative decision, but neither the Council nor the Permit Administrator may waive controlling law, exercise a professional technical judgment reserved to a qualified person or agency, or approve a condition that the Ordinance expressly prohibits.

SECTION 10. REPEALER, SAVINGS, SEVERABILITY, AND EMERGENCY.

A. This Ordinance consolidates and replaces Ordinance No. 258-A, Ordinance No. 6, and Ordinance No. 2026-7, which are repealed when this Ordinance takes effect. Other ordinances are repealed only to the extent of actual conflict. Existing lawful permits, approvals, violations, notices, orders, citations, fines, liabilities, rights, duties, appeals, enforcement actions, and proceedings survive repeal and may be completed or enforced under applicable law.

B. If any provision or application of this Ordinance is held invalid, the remaining provisions and lawful applications remain in effect.

C. The Council finds that immediate consolidation of residential permitting, manufactured-home placement, ADU compliance, occupancy, and enforcement procedures is necessary to protect public peace, health, safety, and welfare. An emergency is declared, and this Ordinance shall take effect immediately upon passage and approval, subject to applicable publication or posting requirements before enforcement of penal provisions.

Date: 10-10-2026

Approved: _____

Mayor David C. Meyer

Attest: _____

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

Date: 10-10-2026

Approved: _____

Mayor David C. Meyer

Attest: _____

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