

NEWSLETTER

CODE OFFICIALS OF ARKANSAS

OUR MISSION WE DO NOT NEED TO LOSE SIGHT OF.

LIFE SAFETY: THE PURPOSE BEHIND EVERYTHING WE DO!



SPRING CONFERENCE

- May 17th-22nd, 2026
Spring Conference
at Mount Magazine

- **ADA COMPLIANCE**
- HB1205

HOT TOPIC, STAY SAFE IN THE FIELD!

Did you know? Every incident you face with the job gets tracked if reported to [Code Enforcement Officer Safety Foundation \(CEOSF\)](#). This is the first national nonprofit (Founded in 2020) laser-focused on protecting code officials like you!

What CEOSF Does:

This powerhouse organization promotes top-tier safety practices for building inspectors, fire inspectors, code enforcement officers, and more worldwide.

CEOSF offer vital resources like incident reporting (to drive better policies and legislation), cutting-edge training on situational awareness, de-escalation and recognition for brave code officials who've lost their lives in the line of duty. Partnering with giants like the ICC, CEOSF pushes professionalism and shares data on threats, assaults and even murders to keep us all safer.

Have questions? Ask them at the upcoming conference where they will be hosting a booth for their organization.

- **CODE INTERPERTATION**
- Rental Inspection Programs

**URGENT NOTICE FOR ALL MECHANICAL INSPECTORS:
IMMEDIATE ACTION REQUIRED!**

Tony Woodard needs your mechanical license emailed to him right away.

If you do not have a valid license and license number by May, you MUST test to obtain your new inspector license.

Do not delay — send your information now!

ADA Compliance: At a recent AML meeting, some expressed the misconception that ADA compliance is optional or that certain cities can ignore it since it's "not code."

Authority to Deviate

- Building code officials in Arkansas do not have unilateral authority to deviate from the code on their own. Limited deviations occur only through formal processes like variances or appeals, granted by designated boards; not individual officials to address practical difficulties while upholding code intent.

Arkansas Code Integration Issues

Arkansas adopts the International Building Code (IBC), including Chapter 11, through the Arkansas Fire Prevention Code and state building regulations, but Chapter 11 does not reference or embed the 2010 ADA Standards, it references ICC A117.1 for technical criteria.

Permits require compliance with *adopted local/state codes*, not explicitly federal ADA; officials enforce IBC Chapter 11 (scoping) ICC A117.1, which aligns with but does not identically replicate ADA for all elements. No evidence confirms Arkansas mandates separate "ADA policing" beyond code enforcement.

Legal and Liability Corrections

Non-compliant approvals under local codes expose *owners/architects* to ADA lawsuits (DOJ/private), but municipalities/code officials gain no automatic liability shield; Title II applies to public entities if they show deliberate indifference (ignoring known issues).

Stop-work orders stem from *code violations*, not ADA directly. DOJ certification of codes as "ADA-equivalent" is possible but not confirmed for Arkansas statewide.

Practical Enforcement Reality

Focus plan reviews/inspections on IBC Chapter 11 ICC A117.1 (36" paths, 5% parking); ADA supplements for Title III facilities via owner responsibility. Training should clarify IBC/ADA differences to avoid misconceptions enforce *all adopted codes* to intent, but ADA isn't "coded in" verbatim

Chapter 11 of the IBC (2021 edition) provides detailed scoping for accessibility, focusing on "what" elements must comply with technical criteria in ICC A117.1. It applies to new construction, alterations, and covers sites, buildings, and facilities by occupancy.

Local amendments may adjust exceptions or percentages, but core scoping aligns nationally!

Code Interpretation

- Consistent code interpretation ensures public safety, legal uniformity, and fairness across Arkansas jurisdictions. Officials must apply the Arkansas Fire Prevention Code (IBC/IFGC bases) identically to prevent arbitrary enforcement, reduce appeals, and shield cities from liability state oversight demands it.

Consistency

- Varying interpretations create confusion for builders, invite lawsuits under ADA-embedded codes, and undermine statewide standards like Act 101's modular provisions. Local appeals boards exist for variances, not routine deviations; uniform application upholds permit mandates for local/state/federal compliance.

Safety first, one Arkansas, one standard protects lives and limit liability.

Inspection process

- Inspection processes must remain consistent across Arkansas to uphold statewide minimum standards under the Arkansas Fire Prevention Code while ensuring public safety, fairness, and legal defensibility.

Statewide Uniformity Mandate

- The state Fire Marshal enforces a baseline code (IBC/IFC editions) applicable everywhere, preventing local variations that could weaken fire resistance, structural integrity, or ADA-embedded accessibility (e.g., inconsistent firewall or ramp approvals risk spread or lawsuits.)

Benefits for Officials and Cities

- Uniformity reduces inter-jurisdictional disputes, simplifies contractor compliance (per Act 101 modular rules), and minimizes appeals/litigation. Training via ICC certification fosters this, as exemptions recognize standardized city inspectors.

Consistent inspections = statewide safety net. Same code, same checks protect Arkansas uniformly.

Let's break it down by section:



Section 1101: Establishes general applicability to builds except detached one/two-family dwellings and townhouses not over three stories. Requires compliance for new construction, existing buildings (via other chapters), and alterations; mandates use of this chapter plus ICC A117.1. Equity provisions may be added locally.

- Section 1102: Directs design per IBC and ICC A117.1, with code-specific amendments like reduced door opening forces for fire doors. Ensure consistency unless local changes apply.



Section 1103: Defaults to full accessibility; lists exemptions like non-occupiable spaces (mechanical rooms, elevator pits), raised security areas (guard towers), limited-access spaces (crawl spaces, catwalks), equipment spaces, and small residential R-1 (≤5 units owner-occupied). Day care in dwellings only requires accessible portions used for care.

- Section 1104: Requires at least one barrier-free route connecting site arrival points, entrances, floors (including mezzanines), ramps, elevators, and key spaces. Multilevel exception: No route needed for stories/mezzanines ≤3,000 sq ft aggregate (excludes public Group M health care, transport, gov't areas, or >30 occupants). Tiered seating rules specify base access or 10% of levels.



Section 1105: Mandates 60% of public entrances accessible (primary/employee/loading); 100% for dwelling units. Tenant spaces get one accessible entrance; service entrances are exempt if not sole access. Routes must coincide with general circulation paths.

- Section 1106: Specifies accessible parking spaces by total count and occupancy (e.g., Table 1106.1: 1 per 25 for 1-25 total). Van spaces (larger) at 1:6 ratio; located on shortest route to entrance. Loading docks follow similar percentages.
- Section 1107: Details percentages by group: R-1 transient (Table 1107.6.1.1, e.g., 5% accessible for 41-100 units); R-2 multifamily requires Type A (full bath/kitchen access) for 2%+, Type B (basic features); dispersion across floors/classes. Other groups like I-3 jails have special rules.



Section 1108: Requires assembly areas (e.g., wheelchair spaces dispersed), public toilets, kitchens, dining, and laundry serving units to be accessible. Exempts certain recreational in R-2.

- Section 1109: Covers signs, visual alarms, detectable warnings at hazardous edges, and two-way communication in elevators.
- Section 1110: Scoping for pools (1:20 lifts/slopes), boating (5-33% accessible slips), fishing piers (10%+), golf (all tees), exercise rooms (50% machines accessible).
- Section 1111: Common-use areas (break rooms) are fully accessible; work areas need circulation paths only (36" min. width).

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Act 101 (HB1205)

Act 101, enacted February 18, 2025, amends Arkansas Code § 20-34-101(a)(1) to broaden third-party inspections for modular and factory-built structures (excluding HUD-regulated manufactured housing).

Key Amendment

Certified Arkansas manufacturers can now contract independent agencies listed with International Accreditation Service, Inc., or other ISO/IEC 17011-compliant bodies. These agencies inspect for compliance with the Arkansas Fire Prevention Code plus state/municipal electrical, plumbing, and mechanical codes before delivery.

Impact on Code Officials

Local officials must accept these third-party certifications during plan review and permitting, alongside on-site verifications streamlining modular approvals while ensuring code alignment. No changes to final occupancy inspections or liability.

Emergency Rationale

Legislature cited prior accreditation limits as anticompetitive, raising costs; expansion fosters competition, lowers consumer prices, and boosts economic activity effective immediately upon approval.

How can all code officials achieve the same goal?

The Core Duty of Vigilance

- In the demanding routine of a code official, every site visit demands a mindset attuned to the worst-case scenario. We meticulously assess occupancy classifications, structural configurations, and compliance with intricate provisions, each decision informed by layers of technical expertise and regulatory nuance. This role transcends mere inspection; it embodies a profound responsibility to interpret and apply the codes that safeguard lives and property.

Bridging the Perception Gap

- Compounding these challenges is the frequent misunderstanding from those outside our profession. To the public, a house fire often registers as a simple misfortune, a spark igniting, followed by loss, concluding the narrative there. Yet, as code officials, we pierce this surface-level view with forensic precision, tracing root causes to deficient construction, overlooked egress paths, or inadequate fire resistance. Our perspective elevates daily enforcement into proactive life preservation.

Steadfast Enforcement Amid Resistance

- Arriving uninvited at job sites, we encounter natural resistance, for our presence symbolizes accountability. With stacks of code volumes, forged in the crucible of past calamities, inscribed with lessons paid for in blood; we hold every project to these unyielding standards. These tomes are not bureaucratic relics but living testaments to hard-won progress, designed to eradicate the vulnerabilities that once turned flames into fatalities and collapses into catastrophes. Through this resolute stance, we transform potential peril into enduring safety, ensuring that no community bears the scars of preventable disaster.

Rental Inspections

- Arkansas' home rule authority explicitly enables cities to enact rental inspection programs, including yearly schedules, for public health and safety.

Core State Law Citation

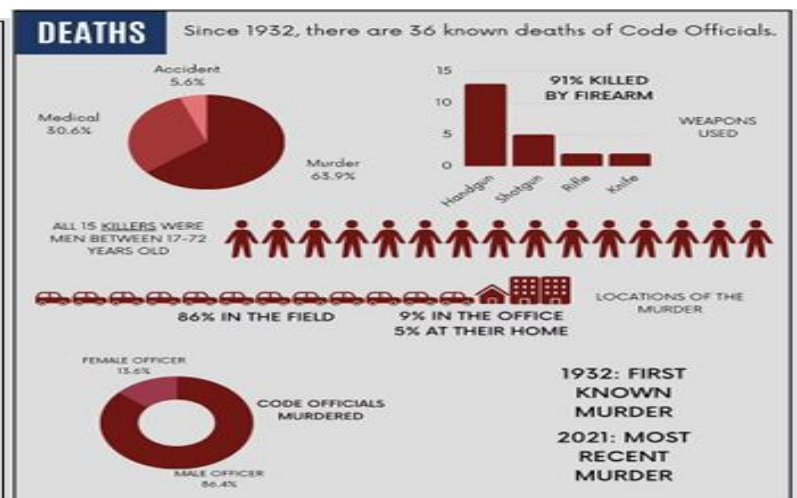
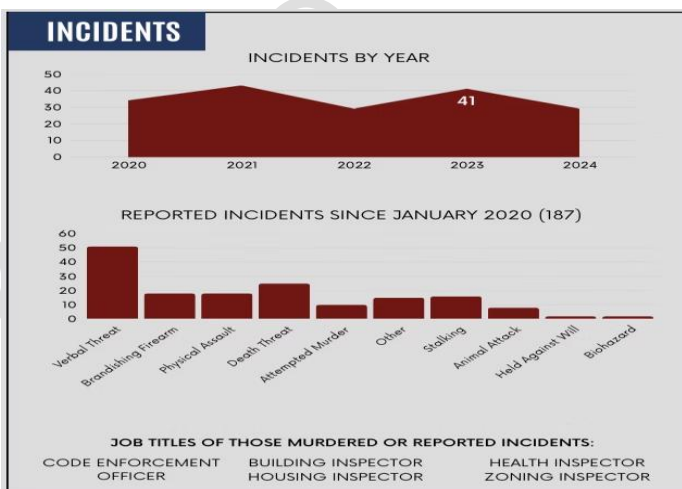
Arkansas Constitution, Amendment 7 grants municipalities broad powers to adopt ordinances promoting health, safety, morals, and general welfare, without state preemption unless explicitly denied. This foundational "home rule" provision allows cities to regulate rental housing through inspections.

Supporting Statutes

Ark. Code Ann. § 14-55-102 authorizes cities to inspect buildings and structures for compliance with health, safety, and sanitation codes, directly enabling rental inspection programs.
Ark. Code Ann. § 14-54-104 permits ordinances addressing nuisances, property maintenance, and public safety hazards, commonly applied to enforce rental standards.

Program Statement Integration

Under Arkansas Constitution Amendment 7 and Ark. Code Ann. § 14-55-102, holds clear authority to launch a rental inspection program yearly checks ensure safe housing, reduce liabilities, and build community trust.



Note: These are all general summaries for informational purposes only and are not legal advice. For application to a specific project, local counsel should be consulted.

Sponsorships and Vendors for upcoming Spring Conference



"Stronger in the Storm"[™]

