

ORDINANCE NO. 1706

AN ORDINANCE AMENDING CHAPTER 9.22, "RETAINING WALLS," OF THE MUNICIPAL CODE

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has determined it is in the best interests of the City to amend Chapter 9.22, "Retaining Walls"; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas, that:

**Section One: Section 9.22.07,
"City Participation," To Be Amended**

Section 9.22.07, "City Participation," Paragraph (d) is hereby amended to read:

(d) If, after reasonable effort, it is not possible to determine which party caused the retaining wall to be constructed, then the primary purpose of the wall shall be the determining factor on participation in maintenance and repairs as follows:

- (1) If a retaining wall supports a public right-of-way or a city-owned property, the City shall be solely responsible for maintaining the retaining wall and for payment of all repair costs.
- (2) If a retaining wall supports privately owned property, the property owner shall be solely responsible for maintaining the retaining wall and for payment of all repair costs.
- (3) If a retaining wall supports privately owned property and City-owned utilities, the property owner and the City may mutually agree to maintain the retaining wall and to share repair costs. Such mutual agreement shall specify the terms of the agreement in written form and be signed by the parties.

Section Two

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of said conflict.

Section Three

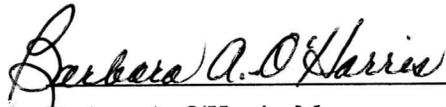
If any part of this ordinance is declared invalid for any reason whatsoever, it shall not affect the remaining portions thereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 11TH DAY OF June, 1996.

ATTEST:



APPROVED:


Barbara A. O'Harris, Mayor