

ORDINANCE NUMBER 2174

AN ORDINANCE REGARDING LOCATION OF UTILITIES ON ALL NEW CONSTRUCTION

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has made a comprehensive study and review of the Planning Commission's recommendations and

WHEREAS, the Council believes that it is in the best interest of the City and its Citizens to avoid further unsightly conditions;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THAT:

Section 1. UTILITIES -- All utilities services for connection to all new construction for which permit(s) are issued after the effective date of this ordinance shall be placed underground unless it is adjudged by the City Building Official as prohibitively expensive or impossible to do so. Where so adjudged as prohibitively expensive or impossible, aboveground utilities must be located at the rear property line if possible.

Section 2. Appeals of the Building Official's rulings regarding feasibility shall be heard by the City Council at its next regularly scheduled meeting.

Section 3. Definition of Utilities Services- For the purposes of this Ordinance, Utilities Services shall be defined as any service provided to a structure by means of pipes and/or wires and shall include but not be limited to: water supply, sewage removal, electrical supply, cable television service and internet service, and natural gas lines.

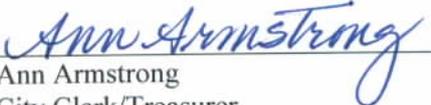
Section 4. Severability Clause: In the event that any section, subsection, paragraph, subdivision, clause, phrase or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance, code section or chapter as a whole, or any part or provision other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance, Code, code section or chapter shall remain in effect.

Section 5. Repeal Clause: All Ordinances, Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS THE 25th DAY OF MARCH, 2013.

ATTEST:

APPROVED:


Ann Armstrong
City Clerk/Treasurer


Morris Pate
Mayor

All voted "Aye" – David Mitchell, Joyce Zeller, Mickey Schneider, James DeVito, Dee Purkeypile and Terry McClung