

ORDINANCE NO. 1925

**AN ORDINANCE ESTABLISHING A
MORATORIUM ON FILL AND EXCAVATION
PROJECTS IN THE CITY OF EUREKA SPRINGS,
ARKANSAS**

WHEREAS, the Planning Commission of the City of Eureka Springs has recommended that a temporary moratorium should be applied to cease and prevent all fill and excavation activities within the City of Eureka Springs for a period of one hundred and twenty eight (128) days. The Planning Commission and the City Council recognize that serious harm to the community and the environment occurs when improper methods and materials are utilized in fill and excavation activities. In order to prevent such harm to the community, the Planning Commission has undertaken a study of the methods and materials which will best protect the community, and of regulation required for fill and excavation within the city limits of Eureka Springs. The Planning Commission has collected material and research and is in the process of gathering public comment on the subject. Furthermore, the Planning Commission is awaiting the assistance of a new staff member with expertise in this area to assist them in making recommendations to the City Council on necessary and required ordinances and regulations to regulate these activities; and

WHEREAS, a brief moratorium on all fill and excavation activities is necessary to best protect the public, the community and the environment from deterioration and damage and other harmful effects of improper methods and substandard materials utilized in such activities, in order to complete the study, receipt of public comment, gain the assistance of qualified staff, and responsibly recommend legislation and regulation to the City Council.

NOW, THEREFORE, BE IT HEREBY ORDAINED:

Section 1. A moratorium is hereby declared on any excavation and on any alteration and any fill activities in the City of Eureka Springs, and the issuance of any permit for excavations, alterations and fill activity, and all such activities shall cease for a period of one hundred and twenty eight (128) days from the passage of this ordinance. After the expiration of this period, all such activities shall be regulated by the Eureka Springs Municipal Code and by state law.

Section 2. All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 4. EMERGENCY DECLARED. That the City Council finds that, in order to prevent damage and harm to the public, the community and the environment of the City of Eureka Springs from deterioration and damage and other harmful effects of improper methods and substandard materials utilized in fill and excavation in the City Limits, this moratorium should take effect immediately upon passage of this ordinance, and to protect the health, safety and welfare of the citizens of Eureka Springs, an emergency exists, and therefore this ordinance shall go into full force and effect immediately upon its passage.

PASSED and APPROVED this 8th day of August, 2003. APPROVED:


Kathy Harrison, Mayor

Attest:


Mary Jean Sell, City Clerk