

ORDINANCE NO. 1957

AN ORDINANCE AMENDING ARTICLE 14 SECTION 2 OF THE EUREKA SPRINGS MUNICIPAL CODE; CREATING A BOARD OF APPEAL AND OTHER PURPOSES

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has adopted the International Building Code; and

WHEREAS, there needs to be a method to hear appeals from decisions made by the Building Official; and

WHEREAS, in the opinion of the City Council, the body of appeal should possess special knowledge and skill; and

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

Section 1. Subsection (e) of Article 14 Section 2 of the Eureka Springs Municipal Code, shall be amended to read:

(e) Finality of decisions. Every decision of the Building Official's office shall be final unless appealed within 10 days of the Building Official's decision. Appeals shall be made in writing to the Board of Appeal as set out below.

Section 2. The Board of Appeal shall consist of five members. The members shall be appointed by the mayor with the consent and advisement of the City Council. The five members shall include: one general contractor, one electrical contractor, one HVAC contractor, one engineer or architect and one member at-large. Each of the members, other than the at-large member, shall be required to hold an Arkansas state license in their respective field. The Board shall choose one of its members to act as chairman. Service on the Board of Appeal shall be without compensation. All members of the Board must reside within the corporate limits of the City of Eureka Springs, AR.

Section 3. That the Board of Appeal shall meet from the time to time as necessary after an appeal has been filed in writing by an applicant with the City Clerk. The City Clerk shall, within in 24 hours, notify the Chairman of the Board of Appeal that an appeal has been filed. The Chairman shall then call for a public meeting within 10 days of the filing of the appeal. The Members of the Board, the Building Official and the applicant shall be notified of the meeting. The applicant and/or his representative as well as the Building Official may be present at the meeting to offer evidence, both in documentation and oral form.

Section 4. That the Board of Appeal shall meet in an open meeting and only act when at least a quorum of its members are present. The Board shall announce all decisions within 7 days of the hearing by first class mail, mailed to the applicant and filed with the Office of the Building Official and the City Clerk.

Section 5. That appeals from the Board of Appeal may be made to the Circuit Court of the Western District of Carroll County, AR.

Section 6. That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said ordinance.

Section 7. If any part of this ordinance is found unenforceable for any reason whatsoever by a court of competent jurisdiction, it shall not affect the remaining parts thereof.

PASSED AND APPROVED BY THE
CITY COUNCIL OF THE CITY OF SPRINGS,
ARKANSAS, THIS 14th DAY OF JUNE ,2004.

APPROVED:

ISON, Mayor

ATTEST:

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