

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE EUREKA SPRINGS MUNICIPAL CODE; CREATING A BOARD OF APPEAL AS TO RETAINING WALLS

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has adopted a standard of review for repair of retaining walls;

WHEREAS, there needs to be a method to hear appeals from decisions made by the Public Works Director; and

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

Section 1. Before an appeal can be filed with regard to retaining walls, the applicant must have applied to the Public Works Director by written application for relief. The Public Works Director shall have twenty days from the receipt of the application in order to make a decision. Notice of the decision shall be made in writing by first class mail, mailed to the applicant and filed with the Office of the Public Works Director.

Section 2. Finality of decisions. Every decision of the Public Works Director shall be final unless appealed within 10 days of the Public Works Director's decision. Appeals shall be made in writing to the Board of Appeal as set out below.

Section 3. The Board of Appeal shall consist of City Council meeting as a committee of the whole with the Mayor presiding.

Section 4. That the Board of Appeal shall meet from time to time as necessary after an appeal has been filed in writing by an applicant with the City Clerk. The City Clerk shall promptly notify the Board of Appeal that an appeal has been filed. The Mayor shall then place the item on the next regularly scheduled meeting of the city council after five days have expired from the filing of the appeal. The applicant and/or his representative as well as the Public Works Director may be present at the meeting to offer evidence, both in documentation and oral form.

Section 5. 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 apply the Eureka Springs Municipal Code as amended in order to make its decisions. 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 Public Works Director and the City Clerk.

Section 6. That appeals from the Board of Appeal may be made to the Circuit Court of the Western District of Carroll County, AR.

Section 7. That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said ordinance.

Section 8. 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 EUREKA SPRINGS,

AR, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

APPROVED:

\_\_\_\_\_  
KATHY HARRISON, Mayor

ATTEST:

\_\_\_\_\_  
MARY JEAN SELL, Clerk