

ORDINANCE NO. 1084

AN ORDINANCE AMENDING SECTION 11.04.03 OF THE EUREKA SPRINGS MUNICIPAL CODE TO PROVIDE FOR AUTHORIZATION BY THE CITY COUNCIL OF BUILDING PERMITS FOR CERTAIN TYPES OF CONSTRUCTION, AND DECLARING AN EMERGENCY.

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

Section 1. Section 11.04.03 of the Eureka Springs Municipal Code amended.

Section 11.04.03 of the Eureka Springs Municipal Code is hereby amended by adding the following paragraph thereto immediately preceding Section 11.04.04, to-wit:

"The Building Inspector shall not issue a building permit for the construction of any motel, hotel, tourist court, condominium, apartment house, apartment hotel, boarding house, duplex or other structure or unit of structures providing more than one (1) sleeping or living unit, or for the construction of any restaurant, cafe, cafeteria, tavern or bar, unless the issuance of such building permit shall have been authorized by a majority of the Aldermen elected to the City Council at a public meeting of the City Council. If the Mayor vetoes such authorization by a majority of the Aldermen elected to the City Council, two-thirds of the Aldermen elected to the City Council may then override such veto and authorize the issuance of such building permit notwithstanding the disapproval of the Mayor. The provisions of this paragraph shall apply to building permits for new construction and to building permits for the conversion, or expansion of an existing structure. Specifically excluded from the provisions of this paragraph are building permits only for single family dwellings."

Section 2. Emergency declared.

The City Council has found that the water and sewer systems of the City of Eureka Springs are presently overburdened and that additional taps onto either system or increased demand on either system caused by the construction, conversion or expansion of structures are likely to be to the detriment of the public health, safety and welfare. The City Council has also found that it is in the public interest that the elected officials of the City of Eureka Springs should authorize the issuance of building permits on a case-by-case basis for the types of construction most likely to substantially aggravate the existing overburdened conditions of said water and sewer systems until such time as each said system has been upgraded. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 2 HAVING BEEN PASSED SEPARATELY, ON THIS 7TH DAY OF DECEMBER, 1979.

ATTEST:

APPROVED:

Karen Grulkey
KAREN GRULKEY, DEPUTY CLERK/TREAS.
(SEAL)

Marcile Davis
MARCILE DAVIS, MAYOR