

AN ORDINANCE AMENDING CHAPTER 2.12, EUREKA SPRINGS MUNICIPAL CODE, TO IMPROVE THE PROVISIONS FOR THE PREPARATION, IMPLEMENTATION AND CARRYING OUT OF PLANS FOR THE PROTECTION OF PERSONS AND PROPERTY WITHIN THE CITY OF EUREKA SPRINGS, ARKANSAS, IN THE EVENT OF EMERGENCY OR DISASTER CONDITIONS.

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

Section 1. Subdivision (2) of Subsection (b) of Eureka Springs Municipal Code §2.12.03, amended.

Subdivision (2) of Subsection (b) of Eureka Springs Municipal Code §2.12.03, is hereby amended to read, in its entirety, as follows, to-wit:

(2) Upon the declaration of a "Local Emergency" by the City Council of Eureka Springs, Arkansas, provided the Mayor, the Chief of Police, the Fire Chief, in successive order, shall have the power and authority to declare an interim "Local Emergency" and any such interim declaration shall require ratification by the City Council of Eureka Springs within twenty-four (24) hours of invoking same to remain in effect.

Section 2. Eureka Springs Municipal Code §§2.12.04 and 2.12.05, amended.

Eureka Springs Municipal Code §§2.12.04 and 2.12.05 are hereby amended to read, in their respective entireties, as follows, to-wit:

2.12.04 Emergency and Disaster Council.

(a) The Eureka Springs Emergency and Disaster Council shall consist of the Mayor, who shall be its chairman, the Chief of Police, the Fire Chief and the City Attorney. The Eureka Springs Emergency and Disaster Council shall have the power to enact its own rules of procedure, prepare, review and recommend for adoption to the City Council such emergency and disaster plans and agreements, ordinances and resolutions, and rules and regulations as it may deem necessary to implement such plans and agreements.

(b) The Eureka Springs Emergency and Disaster Council shall meet upon call of the Chairman or, in his absence or inability to call such a meeting, upon the call of any two members of the Council.

2.12.05 Chain of Command. The Mayor of Eureka Springs shall direct all activities of the Emergency and Disaster Corps. In his absence or inability to act, he shall automatically be succeeded in such capacity by the following officials in the order named:

- (a) The Chief of Police of Eureka Springs
- (b) The Fire Chief of Eureka Springs
- (c) The Assistant Chief of Police of Eureka Springs
- (d) The Assistant Fire Chief of Eureka Springs

Section 3. Severability.

If any part of this Ordinance is held to be unenforceable and/or unoperable for any reason by a court of competent jurisdiction, such holding shall not affect the remaining parts of this Ordinance, which shall remain in full force and effect.

Section 4. Emergency declared.

The City Council has found that Chapter 2.12, Eureka Springs Municipal Code, is deficient, in its present form, with respect to effectively meeting emergency or disaster conditions within the the corporate limits of the City, that the provisions of this Ordinance are remedial in nature and will correct such deficiencies, and that this Ordinance is essential to the public health, safety and welfare and should take effect without delay. 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 4 BEING PASSED SEPARATELY, ON THE 4TH DAY OF SEPTEMBER, 1980.

APPROVE:

Marcile Davis

Marcile Davis, Mayor

ATTEST:

John J. Muzio, Jr.
John J. (Jack) Muzio, Jr., Clerk/Treasurer
(Seal of the City) *by Judith Walters*
Deputy Clerk

