

ORDINANCE NO. 1102

AN ORDINANCE AMENDING SECTION 9.04.03 OF THE EUREKA SPRINGS MUNICIPAL CODE TO QUALIFY THE RESPONSIBILITY OF THE CITY WITH RESPECT TO PUBLIC SIDEWALKS AND TO ESTABLISH STANDARDS FOR THE REPAIR OR REPLACEMENT OF ANY PUBLIC SIDEWALK OR ANY PORTION THEREOF HAVING A STONE SLAB SURFACE, STANDARDS FOR THE REPAIR OR REPLACEMENT OF ANY PORTION OF A PUBLIC SIDEWALK NOT HAVING A STONE SLAB SURFACE BUT WHICH ADJOINS A PORTION OF THE SAME PUBLIC SIDEWALK WHICH DOES HAVE A STONE SLAB SURFACE, AND STANDARDS FOR THE REPAIR OR REPLACEMENT OF A PORTION OF A PUBLIC SIDEWALK CONSISTING OF GLASS BRICKS OR PAVING BRICKS.

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

Section 1. Section 9.04.03. Eureka Springs Municipal Code, amended

Section 9.04.03, Eureka Springs Municipal Code, is hereby amended to cause the second paragraph thereof to read, in its entirety, as follows, to-wit:

"If the Building Inspector shall serve notice upon a property owner, as hereafter provided in Section 9.04.04, and if the base upon which the subject public sidewalk rests is deteriorated to the extent that the subject public sidewalk cannot be repaired or wholly relaid without substantial preparation of said base, it shall be the responsibility of the City of Eureka Springs to prepare said base at no expense to said private property owner. Such preparation may include repair and/or rebuilding of retaining walls or any other means of support necessary to provide a suitable base for the subject public sidewalk."

Section 2. Section 9.04.03, Eureka Springs Municipal Code, further amended.

Section 9.04.03, Eureka Springs Municipal Code, is hereby further amended by adding the following paragraph thereto to appear as the third paragraph thereof, to-wit:

"If the public sidewalk or portion thereof requiring repair or replacement has a stone slab surface or if the public sidewalk or portion or portion thereof requiring repair or replacement does not have a stone slab surface but adjoins a portion of the same public sidewalk having a stone slab surface, it shall be the duty of the private property owner required to repair or replace the same to effect the necessary repairs or replacement to the end that the surface of the public sidewalk or portion thereof repaired or replaced shall have a stone slab surface upon completion of such repair or replacement which substantially conforms in color, thickness, composition, contour and texture to the stone slab surfaces which immediately adjoin the repaired or replaced public sidewalk or por-

tion thereof, subject to the next sentence of this paragraph and further subject to the paragraph which immediately follows this paragraph. The enforcement of this paragraph shall be suspended by the Building Inspector only with respect to replacement of stone slab surfaces of public sidewalks, if no employable stone cutters and no suitable quarry materials are available within Carroll County, Arkansas."

Section 3. Section 9.04.03, Eureka Springs Municipal Code, further amended.

Section 9.04.03, Eureka Springs Municipal Code, is hereby further amended by adding the following paragraph thereto to appear as the fourth paragraph thereof, to-wit:

"If a portion of the surface of a public sidewalk requiring repair or replacement consists of glass bricks or paving bricks, the private property owner required to repair or replace the same shall effect the necessary repairs or replacement of such portion consisting of glass bricks or paving bricks by using materials substantially similar in size, composition and appearance and being at least equal, in durability, strength and tolerance, to the glass bricks or paving bricks requiring repair or replacement."

Section 4. Severability.

If any part of this Ordinance is held to be unenforceable 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.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 19 DAY OF September 1980, 1980.

APPROVE:

Marcile Davis  
Marcile Davis, Mayor

ATTEST:

John J. (Jack) Muzio, Jr.  
John J. (Jack) Muzio, Jr., Clerk/Treasurer  
(Seal of the City)

