

ORDINANCE NO. 753

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE
PRESCRIBING REGULATIONS GOVERNING CONDITIONS
HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR
EXPLOSION.

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

SECTION 1. ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the City Commission of the City of Eureka Springs, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1960 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 5 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Eureka Springs, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Eureka Springs, Arkansas.

SECTION 2. ENFORCEMENT.

The code hereby adopted shall be enforced by the Chief of the Fire Department.

SECTION 3. DEFINITION.

Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the City of Eureka Springs, Arkansas.

SECTION 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES AND STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE RESTRICTED.

The limits referred to in section 73 of the code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as the City of Eureka Springs, Arkansas.

SECTION 5. AMENDMENTS MADE IN THE CODE HEREBY ADOPTED.

The code hereby adopted is amended and changed in the following respects:

None

SECTION 6. MODIFICATIONS.

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 7. APPEALS

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Commission of the City of Eureka Springs, Arkansas, within 30 days from the date of the decision appealed.

SECTION 8. PENALTIES

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified

by the City Commission of the City of Eureka Springs, Arkansas or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than ~~FIVE (\$5.00) DOLLAR~~ nor more than ~~FIVE HUNDRED (\$500.00) DOLLAR~~ nor by imprisonment for not less than ~~ONE (1)~~ days nor more than ~~THIRTY (30)~~ days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 9. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

SECTION 10. VALIDITY.

The City Commission of the City of Eureka Springs, Arkansas, hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Commission of the City of Eureka Springs, Arkansas, that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 11. DATE OF EFFECT.

This ordinance shall take effect and be in force from and after its approval as required by law.

Witness our hands and seals on this 23rd day of June, 1965.

ATTEST:

Albert Harp
Albert Harp, City Clerk

Jan M. Bullock
Jan M. Bullock, Mayor