

ORDINANCE NO. 36

**AN ORDINANCE AMENDING ORDINANCE NO. 23 WHICH
WAS AN ORDINANCE ADOPTING CERTAIN STANDARD CODES,
TO ADDRESS THOSE OCCASIONS WHEN THERE IS A VACANCY
IN THE OFFICE OF BUILDING INSPECTOR; TO CREATE
A MORATORIUM ON RELOCATING EXISTING STRUCTURES
AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Goshen adopted Ordinance 23 on November 12, 2002 and thereby adopted various standard codes; and

WHEREAS, the efforts to obtain the services of a Building Inspector for the City of Goshen, Washington County, Arkansas have, to date, been unsuccessful, thereby creating a de facto moratorium on building in Goshen; and

WHEREAS, there is an emergency requiring that City Council address this lack of a Building Inspector in an expedited manner.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1. That Ordinance 23 is amended to add the following as Sections 3 and 4 of said Ordinance and renumber the remaining Sections of Ordinance 23:

SECTION 3.

A. Vacancy in Office of Building Inspector. In the event there exists a vacancy in the position of Building Inspector at the time the owner or his designee seeks a building permit as required by the Ordinances of the City of Goshen, the owner shall be required to pay a building permit fee of \$250 for new residential or commercial construction and \$125 for remodeling or the construction of an accessory building; and in addition, upon completion, but before occupancy or use by the owner of the structure, the owner must provide a certification signed by both the owner and the contractor that the construction was completed in compliance with the aforementioned codes. Under this scenario, no inspections will be performed by the City of Goshen. The fees set forth in this Subsection 3 A shall only pertain if there is a vacancy at the time of application for a building permit. Failure to comply with this Subsection 3 A is a violation of this Ordinance with the consequences as provided in the next Section.

B. No Vacancy in Office of Building Inspector. When there is no vacancy in the position of City of Goshen Building Inspector, Subsection 3 A of this Ordinance shall have no effect and the remaining provisions of this Ordinance, the standard codes adopted hereby, as well as the fee schedule adopted as a part of those standard codes, are controlling. If an owner who applied for,

paid for and received a building permit pursuant to Subsection 3 A of this Ordinance and subsequently the City of Goshen fills the vacancy in the office of Building Inspector, and the owner has not completed construction but desires to have the remaining phases of his or her project inspected, the owner may request inspections by notifying the Building Inspector. In such event, the Building Inspector shall make a determination of the feasibility of conducting the appropriate inspections given the progress of the project at that time and shall also establish a pro-rated fee to be paid by the Owner to the Recorder-Treasurer. In setting the fee, the Building Inspector shall take into account the fee schedule which is part of the applicable standard code, the number and type of inspections which can be performed from that date forward, and the amount paid by the owner for the original fee. An owner who disagrees with the amount of a pro-rated fee set by the Building Inspector, shall pay the fee, but may ask the City Council to review it by submitting his or her protest, in writing. The City Council shall address the issue at the next regular meeting, if the protest is submitted within time to be placed on the agenda, and if not, then at following month's regular meeting. The decision of the Council shall be considered final.

SECTION 4. It is deemed in the best interest of the health, safety and welfare of the citizens of Goshen, Arkansas that there be a moratorium on relocating existing structures. During the moratorium, no one shall be permitted to place on a tract of land in the corporate limits of the City of Goshen a building or structure which has been removed from its foundation to be moved to and installed upon a new foundation on such tract. For purposes of this Ordinance, the words "building" or "structure" shall have their common and ordinary meaning, and shall be defined further as any improvement which would have required a building permit under the Ordinances of the City of Goshen.

SECTION 2. In all other respects, Ordinance 23 is ratified and reaffirmed.

SECTION 3. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 8th day of July, 2003.



Andy Bethell, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Joe Benson
Bob Brake
Dean Hull
Chuck Huskey
Dick Seddon
Albert Skiles

Names Of Those Voting NAY

Absent