

ORDINANCE NO. 23

**AN ORDINANCE TO ADOPT VARIOUS STANDARD
CODES RELATING TO INSPECTION ACTIVITIES OF
THE CITY OF GOSHEN, WASHINGTON COUNTY,
ARKANSAS AND ENFORCEMENT OF BUILDING
PROVISIONS AS PROVIDED IN SAID CODES;
AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, it is the desire of the City Council of Goshen, Arkansas, to adopt, in all respects, the various Standard Codes relating to amusement devices, building, electrical, fire prevention, gas, housing, mechanical, plumbing and swimming pools; and

WHEREAS, the adoption of these Codes is done to facilitate proper inspection activities by the City of Goshen, Washington County, Arkansas relating to construction and to maintenance of buildings within said City of Goshen, Washington County, Arkansas, and relating to public safety, health and general welfare; and

WHEREAS, the Court's order in *Andy Bethell, et al. v. Town of Goshen, AR, et al.*, Case No. CV-02-621, in the Circuit Court of Washington County, Arkansas invalidated Ordinance 10A, leaving the City of Goshen without an enforceable building code, creating a need to address the lack of a building code within the City of Goshen in an expedited manner, and thereby creating an emergency.

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

SECTION 1: The following Codes are hereby adopted by reference, save and excepted the portions thereof as are hereinafter designated, modified or amended. All provisions of all

codes and appendices listed including title, scope, and administration, shall be in full force and effect as though they were copied herein fully word for word.

Standard Amusement Device Code - Latest Edition

Standard Building Code - 1999 Edition

Standard Building Code Appendices A, B, C, D, E, F, G, and H - 1999 Edition

Standard Existing Building Code - Latest Edition

Standard Fire Prevention Code - Latest Edition

Standard Housing Code - Latest Edition

Standard Swimming Pool Code - Latest Edition

Standard Unsafe Building Abatement Code - Latest Edition

Arkansas State Plumbing Code - Latest Edition Adopted by State of Arkansas

Arkansas State Gas Code - Latest Edition Adopted by State of Arkansas

Arkansas State Mechanical Code - Latest Edition Adopted by State of Arkansas

National Electrical Code - Latest Edition

Arkansas State Fire Code - Latest Edition Adopted by State of Arkansas

SECTION 2: When reference is made within said Codes to the duties of the Building Inspector, those duties are assigned to the Building Inspector for the City of Goshen, Washington County, Arkansas, who shall be deemed to be the responsible official insofar as enforcing the provisions of said Codes are concerned.

SECTION 3: PENALTY. Any owner of property subject to this ordinance, on whose property, construction or improvements occur in violation of this ordinance shall be considered in violation of this ordinance. Any builder or contractor constructing a building or structure or

making improvements not in compliance with this ordinance shall be considered in violation of this ordinance. Any person who violates this ordinance shall be subject to a fine or penalty up to \$250 for each violation. For purposes of this ordinance, each day of activity proscribed as unlawful under this ordinance shall be considered a separate violation for which the party violating the ordinance shall be subject. Any violation shall be referred to the City Attorney who shall apply to the appropriate court for relief, seeking either penalties or injunctive relief as permitted by law.


SECTION 4: This ordinance shall take effect and be in force from and after its passage, the public welfare requiring it.

SECTION 5: The provisions of this ordinance are hereby declared to be severable, and if any provisions shall for any reason be illegal or invalid, such holding shall not effect the validity of the remainder of this ordinance.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: 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 BY the City Council of Goshen, Arkansas on the 12th day of November, 2002.



Euel E. Bowen, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

James Boyd
Jim Northup
Max Poye
Fred Wizer

Names Of Those Voting NAY

Absent

Andy Bethell