

ORDINANCE NO. 2023-04

AN ORDINANCE AUTHORIZING AND GOVERNING THE RAZING AND REMOVAL OF 928 CENTRAL AVENUE

WHEREAS, Arkansas Code Annotated § 14-56-203 grants that cities of the first class, cities of the second class, and incorporated towns may order the removal or razing of, or remove or raze, buildings or houses that in the opinion of the city council or town council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare and shall provide by ordinance the manner of removing and making these removals; and

WHEREAS, the City of Bull Shoals, Arkansas (the "City") based upon the dilapidation and unsightliness of the property located at 928 Central Avenue, Bull Shoals, AR ("Village Mart") the Council was concerned about the impact the property might have on public health and safety, as well as potential environmental impact; and

WHEREAS, the City petitioned the Circuit Court of Marion County, Arkansas for permission to inspect Village Mart; and

WHEREAS, the City contracted with engineering firm ECCI to conduct an extensive inspection of the Village Mart facilities, including inspections of the electrical system, water intrusion, testing for mold presence, and for asbestos presence among other concerns; and

WHEREAS, the City Council has reviewed the reports from ECCI produced by such inspection, and detailing the issues with the property; and

WHEREAS, considering the reports by ECCI, the City Council is now of the opinion that the building located at 928 Central Avenue has become dilapidated, unsightly, unsafe, unsanitary, and detrimental to the public welfare of the citizens of Bull Shoals, Arkansas.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BULL SHOALS, ARKANSAS:

- 1) That within 90 days of the Order from the Circuit Court of Marion County, Arkansas, allowing the City to move forward with the razing and removal of Village Mart, the City of Bull Shoals shall order the owner of the property located at 928 Central Avenue, Bull Shoals, AR, to restore the property to the original condition prior to the construction of the building, to be completed within 120 days of the Order from the Circuit Court.
- 2) Should the property owner fail to do so within that time, the City of Bull Shoals will work with the Arkansas Department of Environmental Quality (ADEQ) and review the building assessment and evaluation report from ECCI, and let for bid the removal and/or remediation of the known mold and/or asbestos in the building.

- 3) That contemporaneous to the solicitation of bid for the mold and/or asbestos remediation and/or removal, the City would let for bid the demolition and removal of all debris from the building. Once the site is clear, the City would restore the space to the original condition prior to the construction of the building.
- 4) In the event that the City issues the order for removal or razing of any structure upon the property, and the owner of the property fails to comply, and the City removes or razes the structure, the City shall secure a lien against the property per Arkansas Code Annotated § 14-54-904 and seek enforcement or collection of such lien accordingly.

5) That the action stated herein is necessary for the public peace and welfare of the citizens of the City of Bull Shoals and an emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 27th day of July, 2023.



MAYOR

ATTEST:



RECORDER