

AN ORDINANCE AMENDING GMC TITLE 11, CHAPTER 11.04, REPEALING A PORTION OF ORDINANCE NO. 249, AMENDING GMC TITLE 11, BY ADDING CHAPTER 11.06 WHICH OUTLINES PROCEDURES FOR APPLICATIONS, PERMITTING AND INSPECTION OF STRUCTURES BEING DEMOLISHED AND/OR MOVED WITHIN THE CITY, ESTABLISHING A DEBRIS CLEANUP FEE IN THE CASE OF DEMOLITION OR MOVING OF A STRUCTURE AND FOR OTHER PURPOSES.

WHEREAS, there have several recent requests for permits to demolish and/or move structures within Greenland.

WHEREAS, it appears that the Greenland Municipal Code doesn't adequately address various safety issues in the case of the demolition or moving of structures.

WHEREAS, the Building Official for Greenland has requested enhanced safety requirements and procedures related to the demolition and/or moving of structures in the City.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF GREENLAND, ARKANSAS, That:

SECTION 1: **11.06.01 PERMIT REQUIRED:** That from and after passage of this Ordinance any person, entity or organization that desires to either demolish or move a structure within the City of Greenland shall first apply for a permit to do so, pay the required fees, and obtain a permit from the City for that activity.

SECTION 2: **1.06.02 STRUCTURE DEFINED:** That for purposes of this code provision the term "structure" is defined as a prefab, stick built or ready made facility that has, at a minimum, two (2) or more walls/sides with a roof which connects at least two (2) of those walls and which walls/sides are fourteen (14) feet or more in length, however, if this facility is

connected to a footing or foundation by any means or is/was in the past connected to utilities the length of the walls requirement is inapplicable.

SECTION 3: 1.06.03 APPLICATION PROCEDURE: A permit to demolish or move a structure shall be issued by the Greenland Building Official, or his/her designee, only after an application for same has been completed, signed, and turned in at City Hall with payment of the required fees. The application shall require the following information and be certified as true by the applicant:

- a) name of owner of land/structure (in case of a mobile structure), mailing address and contact telephone;
- b) address/location of structure;
- c) date the structure was erected/built;
- d) date when the demolition/moving is desired to begin;
- e) name of person/entity completing asbestos survey and a copy of such survey;
- f) name of person/entity completing the lead paint survey and a copy of such survey;
- g) date of anticipated completion of the demolition or move (See 1.06.07)
- h) certification that no hazardous materials (as defined by ADEQ/federal regulations) are present in structure or will be disturbed; and,
- i) signed by the owner (owner's legal representative) certifying accuracy of above information.

SECTION 4: 1.06.04 REQUIRED PREPARATION: After acquiring the permit, no demolition/move preparations may begin until:

- a) Building Official completes utility-disconnect inspection;
- b) orange construction fencing (other appropriate safety wall) is erected around structure at such a distance to protect public from entry;
- c) in case of a move, all road/highway permits are obtained and copies provided to Building Official or Chief of Police; and,
- d) payment of a refundable (in part or whole) debris/clean up deposit as determined by 1.06.06; any refund shall be determined by the Building Official as set forth in said section.

SECTION 5: 11.06.05 PERMIT FEE: Upon submitting an application for a permit as required by 1.06.01, a non-refundable fee shall be tendered as follows:

- a) if the structure to be demolished or moved is two hundred (200) square feet or less the permit fee shall be \$25.00; and,
- b) if the structure to be demolished or moved is larger than two hundred (200) square feet the permit fee shall be \$100.00.

SECTION 6: 1.06.06 DEBRIS/CLEANUP FEE: That there is hereby enacted a debris/cleanup fee to be collected by the Recorder/Treasurer at the time any demolition/moving permit is issued. This fee shall be \$175.00 if the structure is two hundred (200) square feet or less, and the fee shall be \$500.00 if the structure is greater than two hundred (200) square feet.

The fees collected, as provided for hereinabove, shall be utilized by the City to obtain collection services for trash and debris which is generated by a structure demolition/moving permittee in the City of Greenland, Arkansas, when the person responsible for such trash or debris cannot be identified/located with a high degree of certainty. These fees shall not be

utilized to offset or reimburse the City for normal trash collections as contracted, from time to time, with trash service providers.

To the extent that a structure demolition/moving permittee or other person securing such a permit who has paid debris/cleanup fee as provided for above, has maintained dumpsters or other secure collection sites and had those dumpsters or secured collection sites regularly emptied or the debris/trash hauled off, they may apply to the Building Official for a partial/full refund of the debris/cleanup fee paid.

The Building Official shall take into account the length of the demolition/moving project for which the debris/cleanup fee was collected, his or her observation of the site where a particular permittee was working during the period of demolition/moving, and consider whether or not complaints by surrounding property owners were made concerning the types of trash/debris generated by a particular permittee. The decision of the Building Official regarding a refund or denial of same may be appealed to the City Council by the permittee. Within fifteen (15) days following the decision/determination by the Building Official as to whether and how much of a refund is appropriate the permittee must deliver to City Hall a written request for a review of that decision by the City Council. The appeal shall be heard by the City Council no later than forty-five (45) days after the written request is received.

Any appeal to the Greenland City Council from the decision/determination of the Building Official shall be final and a permittee's redress shall thereafter be to the Circuit Court of Washington County, Arkansas with the appeal of the City Council decision being filed as required by law.

SECTION 7: **.06.07 PERMIT TERM:** A permit to demolish/move a structure as provided above shall be valid for sixty (60) days. Prior to the expiration of such sixty (60) day

period a permittee may obtain from the Planning Commission, for good cause shown, one (1) thirty (30) day extension of such permit.

SECTION 8: Ordinance No. 249 amended Subsection D of Section 04.01 of the Greenland Municipal Code and addressed a fee concerning debris and cleanup of areas where demolition or moving of a building was involved. To the extent that this ordinance conflicts with Ordinance No. 249, that conflicting portion of Ordinance No. 249 is hereby expressly repealed.

SECTION 9: To the extent any other provision in the Greenland Municipal Code conflicts with the above and foregoing Sections through 7, such other provisions are hereby repealed to the extent of such conflict only.

PASSED AND APPROVED this 9th day of April, 2007.



JOHN GRAY, Mayor

ATTEST:



DONNA CHEEVERS, Recorder/Treasurer