

RESOLUTION NO. _____

A RESOLUTION DECLARING TORNADO DEBRIS ON PRIVATE PROPERTY TO BE A THREAT TO LIFE, PUBLIC HEALTH AND SAFETY; AUTHORIZING THE REMOVAL OF DEBRIS FROM PRIVATE PROPERTY; AUTHORIZING THE MAYOR TO REQUEST ASSISTANCE FROM FEMA FOR PRIVATE PROPERTY DEBRIS REMOVAL; AND FOR OTHER PURPOSES.

WHEREAS, on March 31, 2023, a devastating tornado impacted large areas within the City of North Little Rock; and

WHEREAS, debris has not been removed from several private residential properties in the Amboy and Indian Hills areas; and

WHEREAS, the presence of tornado debris on private property is not in the public interest and poses a threat to the residents of the City; and

WHEREAS, it is in the best interest of the City and its residents to authorize the Mayor to request assistance from FEMA in the removal of tornado debris from private property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City Council hereby declares that the removal of tornado-related debris from residential private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety.

SECTION 2: That pursuant to Chapter 8 of the City of North Little Rock Municipal Code (Nuisance Abatement and Property Maintenance), adopted by North Little Rock Ordinance No. 8001, as amended, as authorized by Ark. Code Ann. § 14-54-901, et. seq., the City has the legal responsibility, duty and authority to remove such tornado-generated debris from private property in the public interest.

SECTION 3: That based upon Section 1 and Section 2 above, the City Council has determined to exercise these authorities to enter onto private property.

SECTION 4: That the City Council certifies that before the City initiates such debris removal on these private properties, the City will have unconditional authorization to do so, either through satisfying all the legal processes as provided in the City's nuisance abatement and/or condemnation ordinances and/or through obtaining all legal permissions from the property owner to carry out these actions through the use of Rights of Entry with indemnity and prevention of duplication of benefits clauses signed by each property owner.

SECTION 5. That the City will not remove titled personal property such as cars, trucks or boats under this authorization. In addition, the City will not remove any debris generated as a result of new construction or reconstruction under this authorization.

SECTION 6: That the City of North Little Rock will recognize and respect all federal state and local laws and regulations that concern historic preservation and environmental protection.

SECTION 7: That subject private properties in the following areas are the subject of this debris removal approval request: Amboy and Indian Hills.

SECTION 8: That the Mayor, or his designee, is hereby authorized to seek assistance from FEMA for debris removal from private property.

SECTION 9: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:
TERRY C. Hartwick
Mayor Terry C. Hartwick *by AF*

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:
Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED	<u>11:00</u>	A.M.	__	P.M.
By	<u>A. Fields</u>			
DATE	<u>9-19-23</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Ussery</u>			