

ORDINANCE NO. 46

"AN ORDINANCE ESTABLISHING PROCEDURES FOR THE CONSTRUCTION OF DWELLINGS AND OTHER BUILDINGS IN THE TOWN OF TONTITOWN, ARKANSAS, AND FOR OTHER PURPOSES"

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Tontitown, Arkansas;

SECTION 1. From and after the passage of this ordinance, it shall be unlawful for any person, firm or corporation to build, erect or construct any dwelling or other building or structure within the corporate limits of the Town of Tontitown, Arkansas, except as hereinafter provided.

SECTION 2: Any person, firm or corporation desiring to build, erect or construct such dwelling or other building or structure within the corporate limits of the Town of Tontitown, Arkansas, shall make application for a building permit with said application to be filed with the Town Recorder of the Town of Tontitown, Arkansas, and with such application to contain such information as may be required by the Town Council of the Town of Tontitown, Arkansas. Said applicant shall state in said application the degree to which he shall comply with the building guidelines and standards which are adopted by the Town Council of the Town of Tontitown, Arkansas.

SECTION 3: The Town Council of the Town of Tontitown, Arkansas, shall consider said application in relation to the said building guidelines and standards adopted by said council, and the council shall have the sole discretion in either approving or denying the building permit applied for.

SECTION 4: The said building guidelines and standards heretofore mentioned shall be considered as adopted by the Town Council when dated and signed by the Mayor and Recorder at any regular or special meeting of said Town Council and a copy of said guidelines and standards shall be on file with the Town Recorder of the Town of Tontitown, Arkansas for inspection by any interested persons at reasonable times.

SECTION 5: All dwellings, buildings and other structures constructed in the Town of Tontitown, Arkansas, shall be constructed at a distance no less than 25 feet from the owner's front property line or 40 feet from the center of any road in the front of said property, whichever is the greater distance.

SECTION 6: The Town Council of the Town of Tontitown, Arkansas shall have sole discretion in permitting any variance from any guidelines or standards adopted by them pursuant to this ordinance and shall have the discretion of waiving any violation of this ordinance by proper action of the Town Council at any regular or special meeting thereof.

SECTION 7: The Town Council of Tontitown, Arkansas shall have the authority to delegate any of its authority or powers provided herein to any person in order to implement this ordinance.

SECTION 8: This ordinance shall apply to either new construction or improvements or additions to existing structure, the cost of which exceeds \$1,000.00; provided, however, that no permit shall be required for any improvements solely within the interior of any existing structure.

SECTION 9: Until such time as a building inspector is designated or employed by the Town Council of the Town of Tontitown, Arkansas, then the Town Recorder shall serve in the ex-officio capacity of said Building Inspector.

SECTION 10: Any person, firm or corporation violating or permitting the violation or causing the violation of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than \$25.00 and each day that such violation shall continue is deemed a separate offense. In addition thereto, if said violation be not corrected within sixty (60) days, the Town Recorder shall file in the Office of the Circuit Clerk of Washington County, Arkansas, a Certificate setting forth the name of the offending party, the legal description of the tract on which such violation has occurred and the description of such violation. Upon correction of said violation, the Town Recorder shall cause to be recorded an instrument stating that

said violation has been corrected.

SECTION 11: It shall be unlawful for any person, firm or corporation to move any buildings or other structures onto lands within the corporate limits of Tontitown, Arkansas, unless a building permit as provided for in this ordinance shall have first been obtained. Violation of this section shall subject the violators to the same penalties as provided in Section 10 hereof.

SECTION 12: Severability: If any word, sentence, paragraph, section or subsection of this ordinance shall be declared invalid, such invalidity shall not in any manner effect the remaining portions of this ordinance.

SECTION 13: All ordinances and parts or ordinances are hereby repealed insofar as they are in conflict with the provisions hereof.

Ordinance Numbered 46 is hereby specifically repealed.

This ordinance shall be in effect from and after its approval, passage and publication and the filing of a certified copy thereof in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

PASSED AND APPROVED this the 25 day of September, 1968.

Harry Chanotte
Mayor

Attest:

Richard M. Audomagne
City Clerk