

ORDINANCE NO. 65

AN ORDINANCE PROHIBITING USE OF LIQUID ANIMAL
WASTES AS FERTILIZER EXCEPT DURING THE MONTHS
OF DECEMBER, JANUARY AND FEBRUARY AND DECLARING
AN EMERGENCY

WHEREAS, the incorporation town of Tontitown, Arkansas, and its counsel are charged with the duty of protecting the public health, safety and welfare; and,

WHEREAS, the use of liquid animal wastes as fertilizer within the city limits of the incorporated town of Tontitown constitutes a threat to the public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE INCORPORATED TOWN OF TONTITOWN, ARKANSAS:

Section I

A. The term "animal" includes but is not limited to mammals, fish and poultry.

B. The term "wastes" includes but is not limited to excreta, animal body tissue, bones and/or feathers in any form whatsoever.

C. The term "liquid" includes all substances that, unlike a solid, flow readily but, unlike a gas, do not tend to expand indefinitely.

D. As used herein the term, liquid animal wastes" shall include all animal waste products whether commercially prepared or otherwise.

Section II

It shall be unlawful for any person to use liquid animal wastes as fertilizer, or for any other purpose, on land located within the corporate limits of the incorporated town of Tontitown; provided however, that this section shall not apply to the application of such liquid animal wastes upon land within the corporate city limits of the incorporated town of Tontitown, Arkansas, when said liquid animal wastes are applied during the months of December, January and February.

Section III

Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by payment of fine not to exceed the sum of \$ ⁰⁰5⁰⁰ Each day upon which said liquid animal wastes are applied to the lands constitutes a separate offense.

Section IV

That the health and safety of the citizens of the town of Tontitown are presently being threatened by the application of liquid animal wastes within the incorporated city limits of the town, and the Town Council hereby declares that an emergency exists, and this ordinance being necessary for the preservation of the public peace, health and safety shall be enforced and take effect immediately upon and after its passage.

Section V

That because there is no newspaper published in the town of Tontitown, the Mayor and Town Recorder are hereby directed to post more than ten (10) days before the date fixed for hearing a certified copy of this ordinance in five (5) of the most public places in the town of Tontitown attached to a notice of hearing signed by them in substantially the following form:

NOTICE

Notice is hereby given that the Town Council of Tontitown, Arkansas has adopted the ordinance hereinafter set out, and any person interested may appear before the Council on the 19 day of July, 1976, at 6:30 PM o'clock p.m. at the City Hall for the town of Tontitown and present protests. At such hearing, all objections and suggestions will be heard, and the said Council will take such action as it deems proper in the premises.

DATED this 6 day of July, 1976.

Harry Sharotte
Mayor of
Tontitown, Arkansas

Attest:
Richard M. Adamopis Sr.
Town Recorder

This ordinance shall become effective as provided by law.

Passed this 6 day of July, 1976.

Harry Sharotte
Mayor of Tontitown, Arkansas

Attest:
Richard M. Adamopis Sr.
Town Recorder

CERTIFICATE OF POSTING

The undersigned, duly elected and acting recorder of the incorporated town of Tontitown, Arkansas, hereby certifies that as instructed by the Town Council, he has posted the attached notice in the following public places in said town, to-wit:

Home Town News Room
Phillips Barber Shop
Tontitown Merc Co.
U. S. Post Office
Baskins Fruit Market

CERTIFIED under my hand and seal of said town this 6
day of July, 1976.

Richard M. Adamczyk Jr
Town Recorder

(seal)