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ORDINANCE NO. 88 WASHINGTON CO AR  
K. HARNESS

AN ORDINANCE AMENDING ORDINANCE NO. 60, WHICH IS  
THE ORDINANCE REGULATING SUBDIVISIONS  
IN THE CITY OF TONTITOWN, ARKANSAS

AN ORDINANCE AMENDING ORDINANCE NO. 60, BEING AN ORDINANCE  
REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY OF TONTITOWN,  
ARKANSAS, AND ITS AREA OF PLANNING JURISDICTION.

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

SECTION 1. Ordinance No. 60 of the City of Tontitown, being  
an ordinance providing for regulation of the subdivision of land  
within the City of Tontitown and for other purposes is amended as  
hereinafter set forth.

SECTION 2. Article 2, Section A of said Ordinance No. 60 is  
hereby amended by adding the following sentence to the end of the  
first paragraph:

"No action, recommendations, suggestions or other  
information resulting from this conference shall be  
binding on the City Council or any other City agency or  
commission."

A new paragraph shall be added to said Section A:

"Percolation Test: Before any preparation of a  
preliminary plat, percolation tests as required by the  
Washington County Health Department shall be conducted  
and a certificate of approval obtained from said Health  
Department. Written notice shall be given to the  
Building Inspector of the City of Tontitown 48 hours  
prior to the percolation test to be performed on any land  
in any proposed subdivision. Within 30 days after  
approval by the Washington County Health Department of  
any percolation test as adequate, the City of Tontitown  
shall have the right to make independent tests, and if it  
be found by the Washington County Health Department that  
the test by the owner would result in inadequate septic  
tank systems, then the owner shall pay to the City of  
Tontitown the expense incurred by the City in making such  
independent test.

Said Article and Section are further amended by adding the  
following new subparagraph to the list for the sketch plan:

"h. Any additional information which the administrative  
officer may request, including but not limited to the  
minimum lot size in the subdivision (not less than one  
acre).

SECTION 3. Article 2, Section B of said Ordinance No. 60 is  
hereby amended to provide the additional requirements for the  
preliminary plat as follows:

"m. Location of setback lines in conformity with setback  
ordinances of the City of Tontitown, and if there be no  
such ordinance, then the setback line shall be no less  
than 30 feet from any street right of way and no less  
than 15 feet from any lot or parcel boundary not bordered  
by a public street."

"n. Each lot or parcel shown on the plat shall reflect  
the acreage and square footage contained therein (not  
less than one acre or 43,560 square feet)."

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"o. The exact location of each percolation test performed on any lot or parcel which is within the said subdivision which is to be served by septic tank sewage disposal."

SECTION 4. Article 2, Section C, relating to information required on the final plat is hereby amended by adding the following to the list of requirements:

"q. Final plat shall bear a legend setting forth the following:

- (i) "No lot or parcel on this plat may be further subdivided without having first obtained approval by resolution of the City Council of the City of Tontitown."
- (ii) Landowners are responsible for improper operation of septic tank systems on the owner's land, which may subject owner to misdemeanor violations under ordinances of the City of Tontitown."
- (iii) "Septic tank facilities, including lateral field lines, shall be at least 10 feet distant from any boundary line on the lot or parcel on which same is constructed."

SECTION 5. Section E, subparagraph e of Article 3 is hereby amended to substitute the following:

"e. Size - Any lot or parcel in a proposed subdivision which will have a septic tank system located thereon shall be at least one acre in area and larger than one acre if such larger area is required to meet the standards and approval of the Washington County Health Department to serve no less than a three-bedroom dwelling. Variances from this requirement may be granted by resolution of the City Council of Tontitown for commercial establishments or other reasons if the City Council, in its sole discretion, believes limited use or no use of a septic tank system on a particular lot or parcel makes such area requirements unnecessary. Upon such variance, the City Council may place of public record conditions restricting further construction on such lands without the approval of the City Council."

Provision requiring additional information to be submitted, attached to the preliminary plat is amended to add to the list the following requirement:

"e. All data relating to any percolation tests performed on any lots or parcels within the proposed subdivision and a certificate of percolation approval by the Washington County Health Department."

SECTION 6. All provisions of said Ordinance No.60 not hereby amended shall remain in full force and effect.

SECTION 7. The City Council hereby determines that the above amendments are necessary to provide regulation with respect to plat procedures, septic tank requirements, lot size, and related matters, and that provision of these regulations is essential to protect the health and welfare of the public; and that the immediate passage of this ordinance is necessary to adequately accomplish these purposes. Therefore, an emergency is hereby

declared to exist and this ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 5<sup>th</sup> day of March, 1991.

APPROVED:

By Freddie P. Faldo  
Mayor

ATTEST:

By Frances Frances  
Recorder/Treasurer

