

ORDINANCE NO. 90

AN ORDINANCE REGULATING SIZE OF LOTS OR PARCELS OF LAND IN THE CITY OF TONTITOWN, ARKANSAS, ON WHICH SEPTIC TANK SYSTEMS WILL BE USED, DEFECTIVE OR INADEQUATE SEPTIC TANK SYSTEMS, AND PROVIDING FOR VARIANCES, INFORMATION AND PENALTIES FOR VIOLATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

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

ARTICLE I.
GENERAL

SECTION A. Purpose and Intent. The purpose of this ordinance is to set forth procedures, requirements and minimum standards governing the size and use of lots or parcels of land in Tontitown, Arkansas on which septic tank systems will be used for sewage disposal services, which lots or parcels of land are in Tontitown, Arkansas and defective or inadequate septic tank systems in the City of Tontitown, Arkansas.

It is the intent of this ordinance to provide for minimum lot size for any lots or parcels of land on which septic tanks will be used to help insure adequate area for septic tank installation and operation and also to provide a procedure whereby owners who fail to correct any inadequate septic tank systems, after reasonable notice, can be charged with a misdemeanor and be subject to the penalties set forth herein, all for the protection of the citizens of Tontitown, Arkansas and the general public.

ARTICLE II.
MINIMUM LOT OR PARCEL AREA AND ISSUANCE OF BUILDING PERMIT

SECTION A. Minimum area of lot or parcel and variance. Any lot or parcel in Tontitown, Arkansas 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 septic tank 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 septic tank systems 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. No septic tank field on any lot or parcel subject to this ordinance shall extend within ten feet of any boundary of any lot or parcel.

SECTION B. Percolation test. Prior to application for a building permit, the owner shall cause a percolation test to be completed and obtain the approval of the septic tank system proposed for said lot or parcel to serve at least a three bedroom dwelling, and a certificate of approval shall be attached to said application. The owner shall give to the Building Inspector or other City official of the City of Tontitown, Arkansas, in the absence of the Building Inspector, 48 hours advance notice of the date, time and place that the percolation test is to be performed.

SECTION C. Ownership and Description. Before any building permit is issued for any construction on any such lot or parcel in Tontitown, Arkansas, the following shall be attached to the application for building permit: (1) an accurate legal description, containing no less than one acre of land; (2) evidence of ownership of the lot or parcel by the applicant; (3) all data relating to the percolation test on the subject lot or parcel of land and a certificate of approval by the Washington County Health Department.

ARTICLE III. INADEQUATE SEPTIC TANK SYSTEMS

SECTION A. Owner responsible. The owner of the lot or parcel of land in Tontitown, Arkansas on which any septic tank system is found to be inadequate or defective in its operation by the Washington County Health Department shall, within 60 days after receipt of notice of such defective operation from any official of the City of Tontitown, Arkansas, correct said defective operation of said septic tank system in accordance with requirements and approval of the Washington County Health Department, and failure on the part of the owner or owners to comply with this provision within the time period set forth above shall subject the owner or owners of said parcel to the penalties hereinafter set forth.

SECTION B. Penalties. Upon conviction of any owner or owners of violation of the foregoing Section A of this ordinance, a fine shall be assessed of not more than \$200.00 for each

separate violation, and each day that said violation continues shall constitute a separate offense.

ARTICLE IV.
REPEAL

SECTION A. Repealing clause. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

ARTICLE V.
EFFECTIVE DATE AND EMERGENCY CLAUSE

SECTION A. The City Council hereby determines that the above ordinance is necessary to provide regulation with respect to minimum lot size, 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 2nd day of April, 1991.

APPROVED:

By Freddie P. Zullo
Mayor

ATTEST:

By Frances Franco
Recorder/Treasurer