

ORDINANCE NO. 93

AN ORDINANCE AMENDING ORDINANCE NO. 90 OF THE CITY OF TONTITOWN, ARKANSAS, SAID ORDINANCE NO. 90 BEING 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.

AMENDMENT TO ARTICLE II OF ORDINANCE NO. 90

SECTION A. Amendment to Article II, Section A of Ordinance No. 90. Article II, Section A of Ordinance No. 90 of the Town of Tontitown, Arkansas is hereby amended by substituting for said Section A of Ordinance No. 90 the following:

"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. Any parcel on which any residential dwelling or family living unit or units are to be constructed or located shall contain no less than one acre of area for each of such dwellings and/or family unit or units to be constructed or located thereon. 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. Amendment for Violation of Section A of Article II of Ordinance No. 90. Article II of said Ordinance No. 90 is hereby amended by adding a new Section D as follows:

"SECTION D. Penalties. Upon conviction of any owner or owners of any tract or parcel of violation of the minimum area requirements under Article II of Ordinance No. 90, as amended hereby, a fine shall be assessed for such violation of not less than \$10.00 nor more than \$200.00 for each separate violation, and each day that said violation continues shall constitute a separate offense."

ARTICLE II
AMENDMENT OF ARTICLE III OF ORDINANCE NO. 90
OF THE TOWN OF TONTITOWN, ARKANSAS

SECTION A. Amendment of Section B of Article III of Ordinance No. 90 of the Town of Tontitown, Arkansas. Section B of Article III of Ordinance No. 90 of the Town of Tontitown, Arkansas is hereby amended by substituting in lieu of said Section B of said Ordinance No. 90 the following:

"SECTION B. Penalties. Upon conviction of any owner or owners of violation of the foregoing Section A, Article III of Ordinance No. 90, as amended, a fine shall be assessed of not less than \$10.00 nor more than \$200.00 for each separate violation, and each day that said violation continues shall constitute a separate offense."

ARTICLE III
REPEAL

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 All ordinances or parts of ordinances in conflict herewith are specifically repealed.

ARTICLE IV.
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 5th day of November, 1991.

APPROVED:

By Freddie P. Zaldy
Mayor

ATTEST:

By Frances Franco
Recorder/Treasurer