

ORDINANCE NO. 2006-01 2746

AN ORDINANCE TO PROHIBIT THE SPILLING OF LOADS IN VEHICLES ONTO STREETS, ROADWAYS, AND HIGHWAYS, TO PROVIDE FOR THE RECOVERY OF THE COSTS OF REMOVING DIRT OR DEBIS SPILT OR TRACKED UPON THE STREETS, ROADWAYS, OR HIGHWAYS; PRESCRIBING A PENALTY FOR SAID VIOLATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown, Arkansas hereby determines that vehicles such as gravel trucks and similar vehicles which spill a portion of their load onto the streets, roadways, and highways create a public safety hazard;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of Tontitown, Arkansas:

SECTION 1:

(A) No vehicle shall be driven or moved on any street, roadway, or highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom; provided sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a street or highway for cleaning or maintenance purposes.

(B) Any person convicted of violating Section (A) above shall be punished by a fine or not more that \$500.00 or double that sum for each repetition of such offense.

SECTION 2:


(A) Any person who spills dirt, gravel, sand, oil, or any other similar material, or who tracks mud, dirt, or other debris onto the public streets of the City of Tontitown shall be responsible for the prompt and thorough clearance and cleaning thereof. The Code Enforcement Officer is hereby authorized to order the responsible party to clear and clean the affected street(s). The Code Enforcement Officer shall give the responsible party written notice, via certified mail, to perform such acts within three (3) business days of receipt of notice.

(B) If the responsible party fails to clear and clean the affected street(s) within three (3) business days of the receipt of notice, The City of Tontitown may undertake the street cleaning, and bill the responsible party for the costs thereof, at the overtime rate for said staff.

(C) The responsible party may request that the City Council of Tontitown, Arkansas conduct an administrative review of such an order, or the appropriateness of the amount assessed for the cleaning. The decision of the City Council shall constitute final administrative action in the matter.

SECTION 3: EMERGENCY CLAUSE: The City Council determines that an emergency exists and this Ordinance, being necessary for the preservation of the health, safety, and welfare of the citizens of Tontitown, Arkansas, shall be in effect from and after its approval, passage, and the recording with the Recorder of Washington County, Arkansas.

PASSED AND APPROVED on this 3rd Day of January, 2006.


Paul Maestri, MAYOR

ATTEST:

RECORDER / TREASURER

ROLL CALL:

Shall the Ordinance pass:

| | YEA | NAY | |
|-----------------------------------|------------|------------|-----------------------------|
| Alderman Andrew Penzo | <u>X</u> | _____ | <i>(Ward 2, Position 2)</i> |
| Alderman Arthur Penzo | <u>X</u> | _____ | <i>(Ward 2, Position 1)</i> |
| Alderman Henry Piazza | _____ | _____ | <i>(Ward 1, Position 2)</i> |
| Alderman Bradley Marveggio | <u>X</u> | _____ | <i>(Ward 1, Position 1)</i> |
| Alderman Ken Robertson | <u>X</u> | _____ | <i>(Ward 3, Position 2)</i> |
| Alderman Steve Smith | <u>X</u> | _____ | <i>(Ward 3, Position 1)</i> |
| Mayor Paul Maestri | _____ | _____ | |

Yeas: 5 **Nays:** _____ *(total)*

ROLL CALL:

Shall the Emergency Clause pass:

| | YEA | NAY | |
|-----------------------------------|------------|------------|-----------------------------|
| Alderman Andrew Penzo | <u>Y</u> | _____ | <i>(Ward 2, Position 2)</i> |
| Alderman Arthur Penzo | <u>Y</u> | _____ | <i>(Ward 2, Position 1)</i> |
| Alderman Henry Piazza | _____ | _____ | <i>(Ward 1, Position 2)</i> |
| Alderman Bradley Marveggio | <u>Y</u> | _____ | <i>(Ward 1, Position 1)</i> |
| Alderman Ken Robertson | <u>Y</u> | _____ | <i>(Ward 3, Position 2)</i> |
| Alderman Steve Smith | <u>Y</u> | _____ | <i>(Ward 3, Position 1)</i> |

Yeas: 5 **Nays:** _____ *(total)*