

ORDINANCE NO. 2006-08-267
AN ORDINANCE ADOPTING A NEW DEFINITION OF THE TERM
"SUBDIVISION" FOR USE IN ALL CURRENT AND FUTURE CITY
ORDINANCES AND RESOLUTIONS; DECLARING AN EMERGENCY
AND FOR OTHER PURPOSES

WHEREAS, the term "subdivision" is used in various Ordinances of the City of Tontitown, Arkansas; and

WHEREAS, and amended definition would better express the intent of the City Council with respect to the meaning and application of the term "subdivision";

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

Section 1. Wherever the term "subdivision" appears in any existing or future Ordinance or Resolution of the City of Tontitown, Arkansas, the term "subdivision" shall be defined as to include the definition provided for herein. Any conflicting definition of the word "subdivision" in any other Ordinance or Resolution is hereby abolished.

Section 2. SUBDIVISION. The term "Subdivision" is defined as follows:

- (1) The "development of land" as defined in Ordinance No. 60 (adopted November 4, 1975) as amended; or
- (2) The division of or transfer of an interest in land or contract for transfer of interest in land, including but not limited to the sale, leasing, renting or letting of any interest in land, shown as a unit on the last preceding tax roll, into five or more parcels, lots, tracts, slots, spaces, areas or units of any other description; or
- (3) The use, development, or division of land shown as a unit on the last preceding tax roll, for purposes of an RV park, travel-trailer park, truck stop providing tractor and/or trailer parking for a period of time greater than one (1) hour, or campground capable of accommodating, actually accommodating, or designed to accommodate, five or more separate RV's, travel-trailers, parked semi tractors and/or trailers; or camp sites simultaneously; or
- (4) Any division of or transfer of an interest in land shown as a unit on the last preceding tax roll, involving additional right-of-way or realignment of an existing street or any proposed street; except
- (5) Transfer of interest by will or pursuant to court order, mortgages, the granting of easements for the extension and maintenance of public utilities and transfer of interest of five acres or more on an existing road shall not constitute a subdivision.

Section 3. The definition of "subdivision" as set out herein shall be construed liberally in order to carry out the intention of any Ordinance or Resolution in which the term is used.

Section 4. The fact the definition provided for herein may include some developments commonly referred to as large scale developments shall not invalidate or limit the application of the definition provided herein. It is the intention of this Ordinance that, in such an event, the large scale development will be viewed simply as a particular type of subdivision, and any Ordinances, regulations or requirements particular to large scale developments shall also apply.

Section 5. Emergency Clause. The City Council of the City of Tontitown, Arkansas has determined it necessary for the public peace, health, and safety that this Ordinance be effective immediately. Therefore, an emergency is declared to exist, and this Ordinance shall become effective immediately upon its passage. Said determination of an emergency is based upon the following facts found to exist by the City Council:

- (1) The former definition of "subdivision" did not sufficiently express the intent of the City Council;
- (2) An amended definition of the term for use in all City Ordinances and Resolutions would better express the intent of the City Council;
- (3) Without an amended definition to more clearly express the City Council's intent, some developments or persons may attempt to avoid the Ordinances, regulations, and requirements applicable to subdivisions within the City of Tontitown, Arkansas and its planning area. Said Ordinances, regulations and requirements were adopted and established for the benefit of public peace, health and safety;
- (4) The growth and development, both current and planned, in the City of Tontitown and its planning area are occurring at a rapid rate;
- (5) Without this Ordinance becoming effective immediately the public peace, health and safety will be endangered by those developments or persons who may attempt to seize upon the former definition to avoid the Ordinances, regulations and requirements the City Council has adopted to provide for public peace, health and safety.

PASSED AND APPROVED this 16th day of August, 2006



Mayor

Attest:



City Recorder/Treasurer

ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	—	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	—	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	—	(Ward 1, Position 2)
Alderman Bradley Marveggio	—	—	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	—	(Ward 3, Position 2)
_____	—	—	(Ward 3, Position 1)
Mayor	—	—	

TOTALS: YEAHS 4 NAYS 0

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	—	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	—	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	—	(Ward 1, Position 2)
Alderman Bradley Marveggio	—	—	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	—	(Ward 3, Position 2)
_____	—	—	(Ward 3, Position 1)
Mayor	—	—	

TOTALS: YEAHS 4 NAYS 0