

ORDINANCE NO. 2017-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 90.200.7 ACCEPTANCE BY THE CITY OF CHAPTER 90: STREETS AND SIDEWALKS OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY IN ORDER TO CLARIFY MAINTENANCE GUARANTEES AND THE ACCPETANCE OF DEDICATED INFRASTRUCTURE OF THE CITY OF TONTITOWN AND DELCARING AN EMERGENCY

WHEREAS, on or about June 1, 2010, the City Council of Tontitown adopted Ordinance No. 2010-06-356 to provide for street and sidewalk regulations within the city and said Ordinance No. 2010-06-356, as it has been amended from time to time and as was thereafter codified within in Chapter 90: STREETS AND SIDEWALKS in the Tontitown Municipal Code; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Ordinance No. 2010-06-356 and the Tontitown Municipal Code Section 90.200.7 ACCEPTANCE BY THE CITY in its entirety to clarify the regulations for maintenance guarantees and the acceptance of sidewalk infrastructure by the city for street and sidewalk regulations; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 90.200.7 ACCEPTANCE BY THE CITY of Chapter 90: STREETS AND SIDEWALKS, of the Tontitown Municipal Code should be revised and restated in its entirety as incorporate herein below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. Section 90.200.7 ACCEPTANCE BY THE CITY of Chapter 90: STREETS AND SIDEWALKS, of the Tontitown Municipal Code is hereby revised, in its entirety, and as attached hereto as Exhibit "A".

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Section 90.200.7 ACCEPTANCE BY THE CITY of Chapter 90: STREETS AND SIDEWALKS, of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify the regulations for maintenance guarantees and the acceptance of sidewalk infrastructure by the city for street and sidewalk regulations within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer

§ 90.200.7 ACCEPTANCE BY THE CITY.

- (A) After the final inspection and acceptable completion of the street construction, the developer/owner shall provide a maintenance guarantee to the city which guarantees the maintenance, repair, and/or reconstruction of the project as provided for in Section 152.031 Maintenance Guarantee of this code.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10)

Current:

§ 90.200.7 ACCEPTANCE BY THE CITY.

(A) After the final inspection and acceptable completion of the street construction, the developer/owner shall provide a maintenance warranty to the city which guarantees the maintenance, repair, and/or reconstruction of the project in whole or in part for a period of 12 months after the date of the maintenance warranty. The maintenance warranty shall be in the amount of 25% of the cost of construction of the improvements and shall meet the requirements in the current city Subdivision Code.

(B) Formal acceptance of the project by the city will be made in writing after the posting of the maintenance warranty. The date of the formal acceptance shall be the same date as given in the maintenance warranty.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10)

NEW: Update delete wording and refer to 152.031 Maintenance Guarantee Requirements.

§ 90.200.7 ACCEPTANCE BY THE CITY.

(A) After the final inspection and acceptable completion of the street construction, the developer/owner shall provide a maintenance guarantee to the city which guarantees the maintenance, repair, and/or reconstruction of the project. Refer to 152.031 Maintenance Guarantee.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10)