



City of Tontitown  
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Tontitown, AR 72770  
Phone (479) 361-2700 Fax (501) 421-0012  
pwdirector@tontitownar.gov

March 18, 2016

Mr. Heath Hasenbeck  
P.O. Box 7030  
Springdale, AR 72766

RE: Robert Eugene Burge Irrevocable Trust, Heath Hasenbeck, Trustee – 3090 Liberty Ave.

Mr. Hasenbeck:

As we have previously discussed the houses on the property at 3090 Liberty Ave. in violation of the City of Tontitown's building codes. A stop work order was issued on July 28, 2015, shortly after the houses were moved on to the property. As you know, the issue with this property is that it is zoned Commercial and Industrial. Neither of these zonings allow for residential construction. The two options that are available to you are; you can apply to the Planning Board for a re-zoning of the property, or you can move the houses to the north out of Tontitown's city limits. I realize that this may not be a pressing issue for you, however I continue to receive complaints regarding the lack of action taken to resolve this matter.

Therefore, in accordance with city ordinance §150.05, consider this as official notification of violation. Paragraph (J) states that you shall have 30 days following the receipt of this notice in which to effect compliance, otherwise you will be subject to a fine.

Please contact me if there is any way I can assist you in resolving this matter

Sincerely,

James Clark  
Public Works Director

C: File

Justin Eichmann – City Attorney

Joey McCormick – Chief of Police

Patrick Pinalto – Planning Clerk

Roger Duncan – Building Inspector

§ 150.05 PROCEDURES FOR CONSTRUCTION OF DWELLINGS.

(A) From and after the passage of this section, it shall be unlawful for any person, firm or corporation to build, erect or construct any dwelling or other building or structure within the corporate limits of the City of Tontitown, Arkansas, except as hereinafter provided.

(B) Any person, firm or corporation desiring to build, erect or construct such dwelling or other building or structure within the corporate limits of the City of Tontitown, Arkansas, shall make application for a building permit with the application to be filed with the City Recorder/Treasurer of the City of Tontitown, Arkansas, and with such application to contain such information as may be required by the City Council of the City of Tontitown, Arkansas. The applicant shall state in the application the degree to which he or she shall comply with the building guidelines and standards which are adopted by the City Council of the City of Tontitown, Arkansas.

(C) The City Council of the City of Tontitown, Arkansas, shall consider the application in relation to the building guide lines and standards adopted by the Council, and the Council shall have the sole discretion in either approving or denying the building permit applied for.

(D) The building guidelines and standards heretofore mentioned shall be considered as adopted by the City Council when dated and signed by the Mayor and Recorder/Treasurer at any regular or special meeting of the City Council, and a copy of the guidelines and standards shall be on file with the City Recorder/Treasurer of the City of Tontitown, Arkansas for inspection by any interested persons at reasonable times.

(E) All dwellings, buildings and other structures constructed in the City of Tontitown, Arkansas, shall be constructed at a distance no less than 25 feet from the owner's front property line or 40 feet from the center of any road in the front of the property, whichever is the greater distance.

(F) The City Council of the City of Tontitown, Arkansas shall have sole discretion in permitting any variance from any guidelines or standards adopted by them pursuant to this section and shall have the discretion of waiving any violation of this section by proper action of the City Council at any regular or special meeting thereof.

(G) The City Council of Tontitown, Arkansas shall have the authority to delegate any of its authority or powers provided herein to any person in order to implement this section.

(H) This section shall apply to either new construction or improvements or additions to existing structures, the cost of which exceeds \$1,000; provided, however, that no permit shall be required for any improvements solely within the interior of any existing structure.

(I) The City Council shall designate or employ a Building Inspector to carry out the intent of this section.

(J) Any person receiving written notification from the City of Tontitown that he or she is in violation of the provisions of this section and any amendments thereto shall have a period of 30 days following the receipt of such notice in which to effect compliance or otherwise will upon conviction be subject to a fine in keeping with A.C. § 14-55-504 General Assembly of the State of Arkansas.

(K) It shall be unlawful for any person, firm or corporation to move any buildings or other structures onto lands within the corporate limits of Tontitown, Arkansas, unless a building permit as provided for in this section shall have first been obtained. Violation of this section shall subject the violators to the same penalties as provided in division (J) of this section.

(L) The Building Inspector shall review each application for a building permit to determine its conformity with the flood hazard resolution and any other ordinance or resolution of the city, and the City Council shall not approve a building permit in the flood hazard area unless it complies with the requirements of the flood hazard resolution and the requirements of the flood insurance program.

(M) The City Council, by a majority vote, shall establish the fee schedule for issuance of a permit. This schedule may be amended from time to time by the same vote.

(Ord. 46, passed 9-25-68; Am. Ord. 64, passed 3-2-76)