

ORDINANCE NO. 2020-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING CHAPTER 153: ZONING REGULATIONS
OF THE TONTITOWN MUNICIPAL CODE IN ORDER TO PROVIDE
FOR LANDFILL REGULATIONS FOR THE CITY OF TONTITOWN AND
DECLARING AN EMERGENCY.**

WHEREAS, the City of Tontitown hosts within its municipal borders the only landfill located in Northwest Arkansas and which serves communities in Northwest Arkansas, Southwest Missouri and Eastern Oklahoma; and

WHEREAS, a landfill operation is an intensive use that involves significant impacts to city streets and services, attracts heavy loaded traffic, can cause litter, debris, dust, noise and odors affecting neighboring properties and city streets and services if there are not effective regulations in place ; and

WHEREAS, while landfill operations are regulated by the State of Arkansas in order to ensure the safe and appropriate environmental operations of the landfill and the eventual reclamation process, local entities have the power and authority to regulate commercial and industrial operations to provide for safe and orderly growth, protect neighboring properties and citizens, protect city infrastructure and services and to protect the health, safety and welfare of the citizens of Tontitown; and

WHEREAS, there are no current regulations for the zoning and operation of landfills in the City of Tontitown and the City Council for the City of Tontitown; and

WHEREAS, the City Council for the City of Tontitown finds that such regulations are required in order to protect the health, safety and welfare of the citizens of the City of Tontitown; and

WHEREAS, the Tontitown Planning Board has conducted a public hearing regarding the proposed landfill regulations and heard all parties wishing to speak on the matter and has reviewed these revisions to Chapter 153: ZONING REGULATIONS of the Tontitown Municipal Code and recommends to the City Council that the amendments be approved; and

WHEREAS, having fully reviewed the proposed amendments, the Tontitown City Council has determined that Chapter 153: ZONING REGULATIONS of the Tontitown Municipal Code should be revised as incorporated herein below.

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

Section 1. That Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code is hereby revised to incorporate the changes set forth as attached hereto as Exhibit "A".

Section 2: All other parts and provisions of Chapter 153: ZONING REGULATIONS remain unaffected by this Ordinance and shall remain in full force and effect

Section 3. 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 4. Declaration of Emergency. It is hereby found and determined that Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code should be immediately amended in order to provide for landfill 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 _____, 2020.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer