

ORDINANCE NO. 2021-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING IN ITS ENTIRETY SECTION 31.01: PLANNING BOARD OF CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES OF THE TONTITOWN MUNICIPAL CODE OF THE CITY OF TONTITOWN AND DECLARING AN EMERGENCY

WHEREAS, on or about December 1, 2015, the City Council of Tontitown adopted Ordinance No. 2015-12-562 to adopt planning board regulations within the city and said Ordinance No. 2015-12-562, as it has been amended from time to time and as was thereafter codified within in Chapter 31: DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES in the Tontitown Municipal Code; and

WHEREAS, the City of Tontitown has become a first-class city and 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 in its entirety Section 31.01: PLANNING BOARD of Chapter 31: DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 31.01: PLANNING BOARD of the Tontitown Municipal Code should be revised and restated in its entirety 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 Section 31.01: PLANNING BOARD, of Chapter 31: DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES, of the Tontitown Municipal Code is hereby revised in its entirety, and shall now read as follows:

See Attached 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 5. Declaration of Emergency. It is hereby found and determined that Section 31.01: PLANNING BOARD of Chapter 31: DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES, of the Tontitown Municipal Code should be immediately amended in order to clarify and amend the procedure for authorizing a conditional use 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 _____, 2021.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT A

§ 31.01 PLANNING ~~BOARD~~ COMMISSION.

(A) There is created a ~~board~~ commission of the City of Tontitown, to be known as the Tontitown Planning ~~Board~~ Commission which shall consist of ~~five~~ six members, of whom at least two-thirds shall not hold any other municipal office or appointment except ~~membership in the Board of Adjustments or a joint planning agency. as allowed by law.~~

(B) The Planning Board shall have all the duties and functions authorized by ~~Act 186 of the Acts of Arkansas 1957 or a joint planning agency. state law at Ark. Code Ann. § 14-56-401 et seq., as amended, and the ordinances and regulations of the city.~~

(C) ~~The members of the Planning Board shall be named, appointed, and confirmed by the City Council. The appointment of the Planning Board members shall be made at the regular meeting of the City Council in February. The members of the Planning Commission shall be named and appointed by the Mayor and the appointment shall become effective upon the confirmation of the City Council.~~

(D) The terms of the members of the Planning ~~Board~~ Commission shall be two years. However, the initial appointment to the Planning ~~Board~~ Commission shall be; three for two years and ~~two~~ three for one year. Thereafter as vacancies occur in the ~~Board~~ Commission, for whatever cause, the vacancies, shall be filled in the same manner as the original appointments, and the appointees shall hold office until expiration of the term which they were appointed to fill. All members of the Planning ~~Board~~ Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed by the City Council.

(E) The time for the regular meetings of the Planning ~~Board~~ Commission shall be on the fourth Tuesday of every month commencing at the time designated in the Planning ~~Board~~ Commission bylaws. ~~If for any reason the City Council believes that city business requires the Planning Board to meet twice a month, the City Council may, by motion approved by a majority of the Council members present, require the Planning Board Commission to meet twice a month.~~

(F) ~~Any reimbursement of the Planning Commission shall be for expenses incurred and shall be established by the City Council in the budget.~~

(Ord. 57, passed 1-7-75; Am. Ord. 2005-3-206, passed 3-15-05; Am. Ord. 2005-10-230, passed 10-4-05; Am. Ord. 2006-10-274, passed 10-3-06; Am. Ord. 2013-02-408, passed 2-5-13; Am. Ord. 2015-11-555, passed 11-3-15; Am. Ord. 2015-12-562, passed 12-1-15)