

ORDINANCE NO. 2021-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT OF THE TONTITOWN MUNICIPAL CODE IN ORDER TO REVISE LANDFILL REGULATIONS FOR THE CITY OF TONTITOWN, ARKANSAS AND DECLARING AN EMERGENCY.

WHEREAS, following a public hearing before the Planning Commission, the City Council of the City of Tontitown adopted regulations pertaining the Exclusive Use-Landfill (EU-L) District which have been set forth in Section 153.086 of the Tontitown Municipal Code; and

WHEREAS, it has come to the attention of the City Council that following the public hearing before the Planning Commission and prior to the approval of the regulations by the City Council, a provision in Section (E)(17) of the 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT of the Tontitown Municipal Code was mistakenly left in the regulations and needs to be removed.; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section (E)(17) of the 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT of the Tontitown Municipal Code should be amended to make it clear that a soil borrow site cannot be placed within the 250 foot setback.

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

Section 1. That Section 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT of the Tontitown Municipal Code is hereby revised as set forth below:

§ 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT.

(E) (17) Soil borrow site ~~(can be located within the 250 foot setback)~~

Section 2. The rest and remainder of Section 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT not specifically amended herein remains 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 Section 153.086 EXCLUSIVE USE-LANDFILL (EU-L) DISTRICT of the Tontitown Municipal Code should be immediately amended in order to provide clarification of terms 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 _____, 2021.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer