

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTIONS 90.1000.1 through 90.1000.7 OF EXCAVATIONS AND ALTERATIONS OF THE TONTITOWN MUNICIPAL CODE; FOR OTHER PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Tontitown has determined that it necessary to protect the health, safety and welfare of the citizens of Tontitown and others to amend the regulations pertaining to application for permit: bond amounts, public/traffic safety, bored crossings: requirements, and boring and jacking procedures and requirements that are set forth in Sections 90.1000.1 through 90.1000.7 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Sections 90.1000.1 through 90.1000.7 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code should be adopted.

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

Section 1. That Sections 90.1000.1 through 90.1000.5 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit “A”

Section 2. The rest and remainder of the Tontitown Municipal Code 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 Sections 90.1000.1 through 90.1000.7 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to application for permit: bond amounts, public/traffic safety, bored crossings: requirements, and boring and jacking procedures and requirements. 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 _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer