

ORDINANCE NO. 2022-04-984

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 153.216 SIDEWALKS IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to residential and commercial development, construction standards, and timing of installation that are set forth in Section 153.216 SIDEWALKS of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 153.216 SIDEWALKS 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 Section 153.216 SIDEWALKS of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit "A"

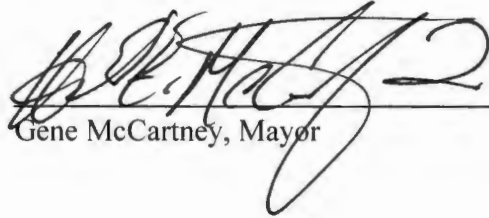
Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

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.

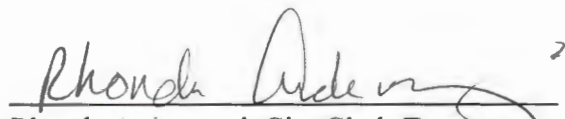
Section 4. Declaration of Emergency. It is hereby found and determined that Section 153.216 SIDEWALKS of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to residential and commercial development, construction standards, and timing of installation. 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.

PASSED AND APPROVED this 5 day of April, 2022.

APPROVED:


Gene McCartney, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

§ 153.216 SIDEWALKS.

- (A) *Residential and commercial development.* Sidewalks shall be required for all residential developments that contain five lots/units or more. Sidewalks shall be required through the site plan approval process for commercial developments.
- (B) *Construction standards.* Sidewalks shall be constructed in accordance with all applicable city standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. Sidewalks shall be setback at least five (5) feet from the back of the curb or pavement and such sidewalks shall have a minimum width of five (5) feet, or as shown on the Typical Street Sections approved as part of the Master Street Plan and listed in table 90.900.2. Provided, however, that under unique circumstances, exceptions may be made through site plan approval, for a sidewalk to be attached to the curb or be located closer than five feet to the curb.
- (C) *Timing of installation.* Required sidewalks shall be installed prior to occupancy of any structure.
- (D) Reference Article 90.900, Sidewalks for additional requirements.