

ORDINANCE NO. 2022-\_\_

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SECTION 31.01 PLANNING COMMISSION IN THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Tontitown has adopted regulations for the City's council meetings which are codified in Section 31.01 of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council for the City of Tontitown, that a need exists to amend Section 31.01 Planning Commission for use by the City, in order to provide updated regulations and procedures; and

WHEREAS, after review and consideration of the proposed amendment, the Tontitown City Council determined that Section 31.01 Planning Commission of the Tontitown Municipal Code should be amended and restated as incorporated in the attached Exhibit "A".

NOW THEREFORE, BE IT ENACTED, BY THE CITY COUNCIL FOR THE CITY OF TONTITOWN, ARKANSAS:

**Section 1.** Section 31.01 Planning Commission of the Tontitown Municipal Code is hereby amended to read and attached hereto as 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 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 31.01 Planning Commission of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to incidental subdivisions. 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:**

\_\_\_\_\_  
Angela Russell, Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Ardemagni, City Clerk-Treasurer

### § 31.01 PLANNING COMMISSION.

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

(B) The Planning Commission shall have all the duties and functions authorized by state law at Ark. Code Ann.-C. §§ 14-56-401 et seq., as amended, and the ordinances and regulations of the city.

(C) The members of the Planning Commission shall be named, appointed, and confirmed by the City Council.

(D) The terms of the members of the Planning Commission shall be two years. However, the initial appointments to the Planning Commission shall be three members for two year terms and three members for a one year term. Thereafter as vacancies occur in the 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 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 Commission shall be ~~on the fourth Tuesday of every month commencing at the time as~~ designated in the Planning Commission Bylaws. The members of the Planning Commission shall organize and elect a chairman and other officers from among the members in accordance with adopted Bylaws. The chairman and other officers shall be authorized to sign plats and other instruments duly approved and authorized by the Planning Commission.

(F) *Compensation.* The Planning Commission shall receive compensation for attendance at regular Planning Commission meetings, special Planning Commission meetings and Planning Commission workshops at a rate which shall generally equal one-half the compensation for the City Council per related meeting as set forth in § 30.02(C) of the Tontitown Municipal Code and as specified hereinbelow. Specifically, regular Planning Commission meetings shall be compensated at the rate of one-half of the total monthly compensation set for the City Council for both the regular City Council meeting and the City Council Committee of the Whole meeting, together as outlined in § 30.02(C), in a single month. Further, a special Planning Commission meeting or a Planning Commission work session shall be compensated at the rate of one-half of the current compensation set for the City Council for a special City Council meeting in § 30.02(C).

(G) Removal of Planning Commissioners. By a vote of two-thirds of the City Council, any Planning Commissioner may be removed from office for cause. Cause shall include, but not be limited to, the following: (1) chronic discourteous behavior to other commissioners, staff or members of the public (2) ongoing lack of familiarity with staff-prepared material, and (3) chronic absences from regular Planning Commission meetings or work sessions.

Formatted: Indent: First line: 0.13"

(4) There is hereby authorized a commission by the City of Lowell to be known as the Commission on the City of Lowell, which shall be composed of seven members, to be appointed by the City Council, to study and report on the feasibility of establishing a municipal library system in Lowell, Massachusetts.

(5) The Commission on the City of Lowell shall be organized and shall begin its work on or before the date of the passage of this ordinance, and shall report to the City Council on or before the date of the next regular meeting of the City Council.

(6) The members of the Commission shall be known as the Commission on the City of Lowell.

(7) The City Council hereby authorizes the Commission on the City of Lowell to employ such personnel and to incur such expenses as may be necessary for the proper discharge of its duties, and to accept such gifts and donations as may be offered to it for the purpose of carrying out its duties. The Commission shall also have the right to call upon any person for information and to receive any person who may be willing to furnish information to the Commission.

(8) The City Council hereby authorizes the Commission on the City of Lowell to make such recommendations as it may deem proper to the City Council, and to report to the City Council on or before the date of the next regular meeting of the City Council.

(9) The Commission on the City of Lowell shall be organized and shall begin its work on or before the date of the passage of this ordinance, and shall report to the City Council on or before the date of the next regular meeting of the City Council.

(10) The City Council hereby authorizes the Commission on the City of Lowell to make such recommendations as it may deem proper to the City Council, and to report to the City Council on or before the date of the next regular meeting of the City Council.

(~~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; Am. Ord. 2021-01-916, passed 1-19-21; Am. Ord. 2021-03-927, passed 3-2-21~~)

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
5708 S. UNIVERSITY AVENUE  
CHICAGO, ILLINOIS 60637  
TEL: (773) 835-3100  
FAX: (773) 835-3101  
WWW: WWW.CHEM.UCHICAGO.EDU