

File **2022-00032892**

ORDINANCE NO. 2022- 08-1003

**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 16 day of Aug 2022.

APPROVED:

Angela Russell  
Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni  
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 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. § 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 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.

PLANNING COMMISSION

(A) There is created a commission of the City of Washington, to be known as the Planning Commission, which shall consist of not less than five members, of whom at least two-thirds shall not hold any other municipal office or position of authority in any agency of the city.

(B) The Planning Commission shall have all the powers and authority conferred by the City Council, Chapter 14.55-400, as amended, and the provisions of the city charter.

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

(D) The term of the members of the Planning Commission shall be two years; however, the initial appointment to the Planning Commission shall be for one year for two years and three members shall be one year term. The members shall be appointed to the Commission for various terms, the members shall be appointed to the Commission as the original appointments, and the appointments shall be made upon expiration of the term which they were appointed to. All members of the Planning Commission shall serve until their successors are appointed and confirmed by the City Council.

(E) The term for the regular members of the Planning Commission shall be as determined by the City Council. The members of the Planning Commission shall serve until their successors are appointed and confirmed by the City Council. The members shall be appointed to the Commission as the original appointments, and the appointments shall be made upon expiration of the term which they were appointed to. All members of the Planning Commission shall serve until their successors are appointed and confirmed by the City Council.

(F) The Planning Commission shall have the authority to recommend to the City Council the appointment and removal of the members of the Planning Commission. The members shall be appointed to the Commission as the original appointments, and the appointments shall be made upon expiration of the term which they were appointed to. All members of the Planning Commission shall serve until their successors are appointed and confirmed by the City Council.

(G) The Planning Commission shall have the authority to recommend to the City Council the appointment and removal of the members of the Planning Commission. The members shall be appointed to the Commission as the original appointments, and the appointments shall be made upon expiration of the term which they were appointed to. All members of the Planning Commission shall serve until their successors are appointed and confirmed by the City Council.

Washington County, AR

I certify this instrument was filed on

10/06/2022 11:38:16 AM

and recorded in Real Estate

File Number 2022-00032892

Kyle Sylvester - Circuit Clerk

by

