

ORDINANCE NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING CHAPTER 153 AND RELATED PROVISIONS OF THE TONTITOWN MUNICIPAL CODE; CLARIFYING ADMINISTRATIVE RESPONSIBILITY FOR FLOODPLAIN MANAGEMENT, STORMWATER ADMINISTRATION, INFRASTRUCTURE REVIEW, PERMIT COORDINATION, AND FIELD ENFORCEMENT; DESIGNATING RESPONSIBLE OFFICIALS; ELIMINATING AMBIGUITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, portions of Chapter 153 and related provisions of the Tontitown Municipal Code contain varying terminology and overlapping administrative references concerning floodplain administration, stormwater management, infrastructure review, permit coordination, and field enforcement responsibilities; and

WHEREAS, the Tontitown City Council finds that clarification and coordination of existing administrative authority are necessary to ensure continuity of operations, regulatory compliance, infrastructure protection, orderly development review, and effective enforcement activities; and

WHEREAS, the Tontitown City Council further finds that it is necessary to identify responsible officials and clarify existing administrative authority without creating or abolishing City departments except as may later be adopted by separate ordinance or resolution.

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

Section 1. Amendment of Existing Code.

Tontitown Municipal Code Chapter 153 and related provisions concerning floodplain administration, stormwater management, infrastructure review, permit coordination, drainage review, and related enforcement authority are hereby amended and clarified as set forth herein.

Section 2. Purpose and Intent.

This ordinance is intended to clarify, coordinate, and interpret existing administrative, engineering, permitting, inspection, and enforcement responsibilities associated with floodplain management, stormwater administration, drainage regulation, infrastructure review, development permitting, and field enforcement activities within the City.

The designations contained herein are administrative assignments intended to identify responsible officials for operational coordination and shall not be construed as limiting the lawful authority of the Mayor or City Council under Arkansas law.

Section 3. City Engineer Designated as Primary Technical Authority.

The City Engineer shall serve as the City's Primary Floodplain Administrator, Primary Stormwater Administrator, and Primary Infrastructure Review Official.

The City Engineer shall be responsible for technical review and interpretation relating to the U.S. Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP) administration, stormwater management, drainage review, detention and retention review, substantial damage determinations, infrastructure review, engineering certifications, and related technical regulatory functions.

The City Engineer may serve by employment, professional services agreement, engineering consulting contract, intergovernmental agreement, or other lawful professional arrangement approved by the City.

Section 4. Planning Director Designated as Deputy Administrator.

The Planning Director shall serve as the City's Deputy Floodplain Administrator and Deputy Stormwater Administrator.

The Planning Director shall coordinate permit administration, development review coordination, project tracking, records management, regulatory continuity, infrastructure coordination, and administrative oversight associated with stormwater management, drainage review, floodplain administration, and related development activities.

The Planning Director may exercise delegated administrative authority consistent with applicable law and City policy during the absence, vacancy, incapacity, or temporary unavailability of the City Engineer.

Section 5. Code Enforcement Officer Designated as Field Enforcement Authority.

The Code Enforcement Officer, operating under the supervision and administrative direction of the Planning Director, shall serve as the City's primary field enforcement official for stormwater management compliance, erosion and sediment control inspections, drainage enforcement activities, floodplain compliance inspections, site inspections, and related enforcement responsibilities authorized under city ordinances and development regulations.

The Code Enforcement Officer may issue notices of violation, stop work notices, inspection reports, corrective action directives, compliance notices, and related enforcement documentation authorized by city ordinance or administrative procedures subject to all applicable ordinances and administrative or legal procedures.

Section 6. Interpretation of Existing References.

Existing references within Chapter 153 and related provisions of the Tontitown Municipal Code concerning floodplain administration, stormwater administration, engineering review, infrastructure review, permitting coordination, or related enforcement authority shall be

interpreted consistently with the provisions of this ordinance unless otherwise expressly stated.

Section 7. No Creation or Abolishment of Departments.

Nothing herein shall be construed as creating a Public Works Department, abolishing departments, altering reporting relationships, consolidating departments, or restructuring city government except as may later be expressly adopted by ordinance or resolution of the City Council.

Section 8. Severability.

If any provision of this ordinance is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions of this ordinance.

Section 9. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that such conflict exists.

Section 10. Records Retention.

All permits, determinations, inspection records, substantial damage determinations, drainage reviews, engineering reports, correspondence, and related records associated with floodplain and stormwater administration shall be maintained in accordance with applicable federal law, state law, and city record retention policies.

Section 11. Emergency Clause.

The City Council hereby finds and determines that ambiguity and inconsistency concerning floodplain administration, stormwater management, infrastructure review, permitting coordination, and enforcement authority may impair timely development review, flood prevention efforts, infrastructure protection, regulatory compliance, and orderly municipal administration within the City.

Immediate clarification and implementation of the provisions contained herein are therefore necessary for the preservation of public peace, health, safety, welfare, and property protection; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon passage and approval.

PASSED AND APPROVED on this _____ day of June 2026.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): _____

Motion to Introduce Made By: _____

Seconded By: _____

Adopted / Passed: _____

Vote: Ayes ____ Nays ____ Abstain ____ Absent ____

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.