

ORDINANCE NO. 2024-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SUBPARTS 153.212(Q)(2) & (3) OF SECTION 153.212 LANDSCAPING, SCREENING, FENCING, AND BUFFERING OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown has adopted regulations to set forth certain landscaping and dedication requirements for developments that is codified in Section 153.212: Landscaping, Screening, Fencing, and Buffering of the Tontitown Municipal Code; and

WHEREAS, the City Council of Tontitown has determined that it is necessary to amend Subparts 153.212(Q)(2) & (3) of Section 153.212: Landscaping, Screening, Fencing, and Buffering in order to update ratios for dedication and fee in lieu payment amounts for developments; and

WHEREAS, after thorough review of the proposed amendments, the City Council has determined that it is necessary and in the best interest and benefit of the community to amend Subparts 153.212(Q)(2) & (3) as set forth in the attached Exhibit “A”.

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Tontitown, Arkansas:

Section 1. Subparts 153.212(Q)(2) & (3) of Section 153.212: Landscaping, Screening, Fencing, and Buffering of the Tontitown Municipal Code is hereby amended, 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 Subparts 153.212(Q)(2) & (3) of the Tontitown Municipal Code should be immediately amended in order to provide updated regulations for ratios of land to be dedicated with developments and the fee in lieu payments for parks and trails. 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 November 2024.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)