

ORDINANCE NO. 2021-32

CITY OF BELLA VISTA, ARKANSAS

ADOPTING LOCAL STANDARDS FOR SEWAGE DISPOSAL SYSTEMS, REGULATING MINIMUM SEPTIC REQUIREMENTS, REQUIRING NOTIFICATION TO OWNERS OF SEPTIC SYSTEM DESIGN AND APPROVAL LIMITS, PROVIDING DEFINITIONS, PROVIDING PENALTIES FOR VIOLATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, Ark. Code Ann. § 14-236-105 provides that, among other things, a municipality may adopt an ordinance regulating sewage disposal systems, including proper design, construction, installation, maintenance, and operation of sewage disposal systems; and

WHEREAS, current rules permit drastically undersized sewage disposal systems be approved for new residences, thus increasing the risk of septic failure, environmental harm, and harm to the health and safety of citizens;

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

SECTION 1: Building Permits for Residential Structures to Conform to Health Department Sewage Disposal System Permits.

For residential structures relying on individual sewage disposal systems, building permits shall only be issued in conformance with sewage disposal system permits issued pursuant to the applicable rules and regulations of the Arkansas Department of Health. The determination of conformance shall be made by the building official pursuant to his or her authority contained in the Arkansas Fire Prevention Code, as locally adopted.

SECTION 2: Optional Deed Restriction for Additional Rooms.

Applicants for building permits of residential structures relying on individual sewage disposal systems may be permitted to build a structure the building official determines exceeds size limitations of a sewage disposal system permit issued pursuant to the rules and regulations of the Arkansas Department of Health, by having executed and recorded a deed restriction by the current owner(s) of the property in a form approved by the Director of Community Development Services, limiting the number of bedrooms in the structure to that number stated in the Health Department sewage disposal system permit.

SECTION 3: Notice of Septic Size to Be Posted.

A permanent, pre-printed sticker shall be placed on the outside cover of the main electrical distribution panel of new residential buildings utilizing septic systems which states, "THIS

RESIDENCE IS APPROVED FOR ____ BEDROOMS BASED UPON THE SEPTIC SYSTEM DESIGN AND APPROVAL BY THE STATE OF ARKANSAS DEPARTMENT OF HEALTH DATED ____.” The sticker shall be completed with the number of bedrooms approved and the date of said approval and shall be placed by the building official, or the building official’s designee, at the time of a final inspection for a certificate of occupancy.

SECTION 4: Minimum penalties for Violation.

A. Violations of this Ordinance shall be punished as follows:

1. A fine of not less than \$750.00 for a first offense;
2. A fine of not less than \$1,250.00 for any second offense;
3. A fine of not less than \$2,500.00 for any third or subsequent offense.

B. All citations shall require court appearance by applicant. Upon conviction, notice of said violation shall be delivered by City administration to the Arkansas Department of Health and any other related regulatory agencies.

SECTION 5: Emergency Clause.

The need to provide for regulations of newly constructed sewage disposal systems and to alleviate the risk of failing systems is necessary to preserve the public peace, health and safety. Therefore, an emergency is hereby declared to exist and this Ordinance shall take full force and effect on the 1st day of the month following adoption as provided by law.

Motion to approve by Wozniak, second by Wilms. Ayes: Wozniak, Wilms, Snow, Flynn, Fowler.
Voting Nay: Bourke
Emergency Clause Approved by same vote.

ADOPTED THIS 25TH DAY OF OCTOBER, 2021.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Council Member Larry Wilms
Prepared by: Jason Kelley, Staff Attorney

THIS PUBLICATION WAS PAID FOR BY THE CITY OF BELLA VISTA, OFFICE OF CITY CLERK. THE AMOUNT PAID FOR THE PUBLICATION WAS ____.