

## ORDINANCE NO. A2006 -04

### AN ORDINANCE TO AMEND ORDINANCE 2003-12 TO REGULATE INSTALLATION AND REPAIR OF SEWAGE DISPOSAL SYSTEMS IN THE CITY OF CHEROKEE VILLAGE, FULTON AND SHARP COUNTIES, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. INSTALLATION AND REPAIR. The Planning and Zoning Commission shall regulate the installation and repair of all sewage disposal systems within the city limits of Cherokee Village. Installation and repair permits must be issued prior to any work being performed, except emergency repairs. Emergency repairs must be reported the first business day after such work has been performed.

Septic sewer systems requirements for new residence construction in Cherokee Village will be based on the number of bedrooms that are designed for a residence and must be approved by the Arkansas Department of Health. Any room that is not a kitchen, living room, dining room, great room, laundry room, or bathroom and has a closet will be considered as a bedroom for determining the size of the required septic system. New construction minimum requirements will be those of a three (3)-bedroom house (1,000-gallon septic tank).

Field lines may not be placed within 100 feet of the shoreline of any lake or river within the city unless there is a sand filter included that is at least 24 feet long by six feet wide by four feet six inches deep. Sand filters may not be located within 100 feet of a lake or river. Field lines from a sand filter must be placed at least 40 feet from lake or river shorelines.

Repairs and/or additions to existing systems will have a minimum of 750-gallon septic tank for two bedrooms and an additional 250-gallon capacity for each bedroom over two.

All other requirements for septic system design and construction not covered herein will be in accordance with Arkansas State Standards in existence at the time permits are issued for either new or repaired systems.

Residences existing, or contemplated to be built, on small lots may be reviewed by the Plan Review Board and the Building Inspector. Any variance from minimum standards herein described must also be approved by the Arkansas Department of Health before a permit will be issued.

SECTION 2. DESIGNATED REPRESENTATIVE. The Planning and Zoning Commission shall appoint a one or more Designated Representatives (DR) to perform lot surveys, soil percolation tests, and the design of all new septic systems. The DR or designee will assist the Arkansas State Health Department in making final inspections of new and repaired systems.

SECTION 3. PERMITS AND SYSTEM REGULATION. Septic System permits and system regulation will be in accordance with the current agreement (Attachment A) between the Arkansas Department of Health and the City of Cherokee Village.

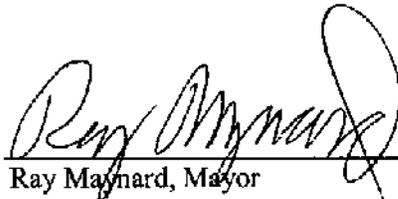
SECTION 4. PENALTY. Any person, contractor, firm, corporation, partnership, association of persons, owner, occupant, agent, or anyone having supervision or control, which shall violate a provision of this Ordinance, or fail to comply therewith, shall be deemed guilty of a misdemeanor. Each such person shall

be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any provision of this Ordinance is committed or continued. Upon conviction of any such violation, such person(s) shall be punished by a fine, not to exceed \$500.00 for the first offense, and not more than \$100.00 for each day's offense of a continuing nature.

SECTION 5. SEVERABILITY. If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the ordinance.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: March 16, 2006

APPROVED:   
Ray Maynard, Mayor

ATTEST:   
Susan E. Maynard, Clerk/Treasurer