

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS {JK Draft 08/18/2021}

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: Definitions.

For purposes of this Ordinance, the term(s) below shall have the definition(s) indicated herein:

Bedroom- A bedroom is any room inside a residence ?? suitable for the purposes of sleeping quarters. More particularly, any room shall be deemed a bedroom for purposes of this Ordinance if it meets all of the following requirements:

1. Contains a minimum seventy (70) square feet for a single occupant and fifty (50) additional square feet per additional occupant;
2. Has floor space having not less than seven (7) feet in any direction for a single occupant or not less than ten (10) feet in any direction for more than one occupant;
3. Has a ceiling height of not less than seven (7) feet;
4. Has two (2) means of egress, one of which leads to the rest of the dwelling and one that leads directly outside. The interior access shall be by standard door with a minimum opening size of twenty-four (24) inches wide by seventy-two (72) inches high. The outside access may be either a window or a door, however either must be operable from inside the residence without the use of keys, tools or special knowledge. Any window constructed as an exterior means of egress shall be a minimum of 5.7 square feet in area, having a minimum opening height of twenty-four (24) inches and a minimum opening width of twenty (20) inches, with windowsill at least twenty-four (24) inches, but no higher than forty-four (44) inches, above the floor;
5. Has a permanently installed heating source with an independent room temperature control. A portable or space heater does not meet this requirement; and
6. Has access to a bathroom without going through another bedroom.

7. No closet, regardless of size, shall be required to designate a room as a bedroom.

SECTION 2: Minimum Septic Requirements.

A. All residential building permit applications submitted for new construction after the effective date of this Ordinance shall provide floor plan layout dimensional drawings with intended use designations labeled on the plan for each room or living area. The bedroom designations shown on the plan shall conform with the definition of bedroom provided in this Ordinance and shall not exceed the number allowed by virtue of any Arkansas Department of Health permit for on-site wastewater system construction. Applications not conforming to the requirements of this Ordinance shall be denied. Denials may be appealed to the Board of Construction Appeals pursuant to Section 103-45 of the Bella Vista Code of Ordinances.

B. Septic systems shall be sized in accordance with ADH Rules and Regulations Pertaining to Onsite Wastewater Systems, effective August 2019, as amended, with minimum tank size of 1,000 gallons or larger for one (1) and two (2) bedroom residences. Three (3) or four (4) bedroom residences shall have septic tanks sized at 1,250 gallons. If the total number of bedrooms exceeds four (4), minimum septic tank size shall be increased by 250 gallons for each additional bedroom over four (4). Any designated on-site septic treatment system “rated capacity” shall not exceed the bedroom capacity approved for operation by the Arkansas Department of Health. *{note: Sect # 2 proposes no tank size adjustments different than ADH Code requires; However the stated “standard” requires validity based on State Standards now noted}*

C. The requirements of this Section do not apply to residential building permit applications for new construction which will utilize sanitary sewer.

SECTION 3: Notice of Septic Size to Be Posted.

A permanent, pre-printed sticker shall be placed on the outside cover of the primary electrical panel of all new residential buildings utilizing septic systems at the time of Occupancy approval 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. *{this specifically incorporates processed permits issued b4 effective date into the Labeling process of New Law}*

SECTION 4: Minimum penalties for Violation.

Violations of this Ordinance shall be punished as follows:

1. A fine of not less than \$500.00 for a first offense;
2. A fine of not less than \$1,000.00 for any second offense by the same applicant;
3. A fine of not less than \$2,500.00 for any third or subsequent offense by the same applicant.

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 from and on 1st day of month following adoption as provided by law.

ADOPTED THIS _____ DAY OF _____, 2021.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

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