



ORDINANCE NO. 2002 - 49

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BAXTER,  
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE MANDATING THE ACQUISITION OF A PERMIT FOR  
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS FROM THE BAXTER COUNTY  
HEALTH DEPARTMENT PRIOR TO INSTALLATION ON ALL TRACTS OF  
LAND IN THE UNINCORPORATED AREAS OF BAXTER COUNTY UPON  
WHICH DOMESTIC SEWAGE IS TO BE CREATED AND FOR OTHER  
PURPOSES.**

**WHEREAS**, the rapid development of land in Baxter County has resulted in the  
need for increased regulation of domestic sewage; and

**WHEREAS**, the proliferation of domestic sewage generation represents an  
imminent health threat through exposure to citizens, farm and domestic animals,  
fish and wildlife; and

**WHEREAS**, safe and adequate sewage disposal promotes the health and  
welfare of the citizens of Baxter County by minimizing exposure to human  
excreta and domestic wastes, thus minimizing the contamination of drinking  
water supplies, recreational areas and ground and surface water of this county;  
and

**WHEREAS**, Act 402 of 1977 (Arkansas Code Annotated 14-236-105 entitled  
"Interpretations with Other Laws") states: "The provisions of any law or  
regulation of any municipality establishing standards affording greater protection  
to the public health and safety shall prevail within the jurisdiction of the  
municipality over the provisions of this chapter and the regulations adopted  
hereunder;" and

**WHEREAS**, Act 402 of 1977 (Arkansas Code Annotated 14-236-103 entitled  
"Definitions", subsection 7) states: "Municipality means a city, town, county,  
district, or other public body created by or pursuant to state law, or any  
combination thereof acting cooperatively or jointly;" and

**WHEREAS**, Act 402 of 1977 (Arkansas Code Annotated 14-236-104 (c) exempts  
from the requirements of Chapter 236, tracts of land ten (10) acres or larger in  
which the field line or sewage disposal line is no closer than two hundred feet  
(200') to the property line.

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**NOW THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF  
BAXTER COUNTY, ARKANSAS, THAT:**

**Section 1.** No person or entity shall install or cause to be installed a domestic septic system or individual sewage disposal system in the unincorporated areas of Baxter County, Arkansas, regardless of the size of the tract of land, without assuring a permit for construction has been obtained from the Baxter County Health Department.

**Section 2.** Before a septic system or individual sewage disposal system is placed into use, a permit for construction and a permit for operation will be issued from an authorized agent of the Arkansas Department of Health, Division of Environmental Health Protection.

**Section 3.** The exemption of the requirements of Act 402 for tracts of land ten (10) acres or larger, in which the field line or sewage disposal line is no closer than two hundred feet (200') to the property line (14-236-104 (c)) is hereby removed for tracts of land in Baxter County, Arkansas as allowed under the provisions of 14-236-105.

**Section 4.** A violation of this Ordinance shall constitute a Class A misdemeanor and each day the said violation remains in existence will be deemed a separate and additional offense. The authorized agent of the Arkansas Department of Health, Division of Environmental Health Protection, will enforce the provisions of this ordinance.

**Section 5. PENALTIES:** Any person, firm, corporation or association that violates any of the provisions of this ordinance shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day of violation shall constitute a separate offense.

**Section 6. SEVERABILITY.** If a portion of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable

PASSED: 5-7-02

APPROVED: 5-7-02

ATTEST:

COUNTY CLERK

COUNTY JUDGE

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