

TITLE 1

GENERAL PROVISIONS

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CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Sections:

1.04.01 How Code designated and cited

1.04.01 How Code designated and cited The ordinances embraced in the following chapters and sections shall constitute and be designated "Centerton Municipal Code" and may be so cited. STATE LAW REFERENCE- Authority of municipalities to codify ordinances without the necessity of publishing and posting same. Ark. Stats. 192424, *et seq.*

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

1.08.01 Rules of construction

1.08.01 Rules of construction. In the construction of this code, and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council.

STATE. The words "**the state**" or "**this state**" shall be construed to mean the state of Arkansas.

COUNTY. The words "**the county**" or "**this county**" shall mean the county of Benton, Arkansas.

CITY. The words "**the city**" or "**this city**" shall mean the city of Centerton, Arkansas.

CITY COUNCIL. Whenever the words "**City Council**" or "**Council**" are used they shall be construed to mean the City Council of the city of Centerton, Arkansas.

OTHER CITY OFFICIALS OR OFFICERS. Whenever reference is made to officials, boards, commissions, departments, etc., by the title only, i.e., "City Recorder, Marshall, etc., they shall be deemed to refer to the officials, boards, commission and department of the City of Centerton.

GENDER. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

NUMBER. Words used in the singular include the plural, and the plural includes the singular number.

OATH. The word "**oath**" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "**swear**" and "**sworn**" shall be equivalent to the words "**affirm**" and "**affirmed**".

OR, AND. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

PERSON. The word "**person**" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

SIDEWALK. The word "**sidewalk**" means a strip of land in front or on the side of a house or lot of land lying between the property line and the street.

STREET. The word "**street**" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

TENSE. Words used in the past or present tense include the future as well as the past or present.

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Sections:

1.12.01 Subheadings of sections

1.12.01 Subheadings of sections. The subheadings of sections of this code, which are underlined, are intended merely to indicate the contents of the section and shall not be deemed, or taken to be titles of, such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the subheadings, are amended or re-enacted.

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Sections:

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed took effect.

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

Sections:

1.20.01 Severability of parts of code

1.20.01 Severability of parts of code It is hereby declared to be the intention of the City Council that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.02 Amendments to code

1.24.01 Amendments to code All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section _____ of the Centerton Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

In the event a new section not heretofore existing in the code is to be added, the following language shall be used: "That the Centerton Municipal Code is hereby amended by adding a section (or title or chapter) to be numbered _____, which said section (or title or chapter) reads as follows: . . ." The new provisions may then be set out in full.

All sections, titles, chapters or provisions desired to be repealed must be specifically repealed by section, title or chapter number, as the case may be.

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever except by ordinance of the City Council, which shall cause the law of the city of Centerton, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General penalty

1.32.01 General penalty Whenever in this Municipal Code the doing of any act or the omission to do any act or duty, is declared unlawful, and further, the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of continuance. Provided, for any offense committed against the code, for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law, and provided further, that the commission of any act declared to unlawful shall be deemed to be a misdemeanor.

STATE LAW REFERENCE- For statutory provisions pertaining to penalties cities may impose, See A.C.A. 14-55-504 – 14-55-503.

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

- 1.36.01 Filing date
- 1.36.02 Notice of filing
- 1.36.03 Special election
- 1.36.04 Expunction of defeated ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the City Recorder within thirty (30) days after passage of such ordinance. (Ord. No. 73-7, Sec. 1.)

1.36.02 Notice of filing Upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one (1) insertion in a newspaper having a general circulation in the city of Centerton, Arkansas, and by posting in five (5) public places in the city of Centerton of a time not less than five (5) days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and

hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Benton County within thirty (30) days to review its action. (Ord. No. 73-7, Sec. 2.)

1.36.03 Special election If the City Council finds that such petition is signed by the requisite number of petitioners, it may order a special election to determine by vote of the qualified electors whether the ordinance shall stand or be revoked and fix a date which shall not be less than

ten (10) days after the date of the action of the Council calling the election. The Mayor shall publish a notice of the call of such election in not less than one issue of a newspaper having a general circulation in the city of Centerton, Arkansas, and posting in five (5) public places in the city of Centerton not less than five (5) days prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. The result of the election shall be proclaimed by the Mayor, by publication one time in a newspaper of general circulation in the city, and shall be conclusive unless attacked in the courts within thirty (30) days after such publication. (Ord. No. 73-7, Sec. 3.)

1.36.04 Expunction of defeated ordinance If any ordinance referred to the people is defeated at the polls, the City Council shall make a note of such fact and shall expunge such ordinance from its files by erasing the same with red ink. (Ord. No. 73-7, Sec. 4.)

STATE LAW REFERENCE – For statutory provisions pertaining to referendum petitions, see Const., Amend. 7, and Ark. Stats. 19-2428 – 19-2430