ATKINS

MUNICIPAL CODE

A Code of the General ordinances

of the city of Atkins, Arkansas

Date of Incorporation

November 3, 1876

Prepared with the
assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
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North Little Rock, Arkansas 72114
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ATKINS MUNICIPAL OFFICIALS

AT THE TIME OF THIS CODE'S PREPARATION

Mayor	**Stephen C. Kent**
Clerk/Treasurer	**Dallas L. Swain**
City Attorney	**Ike A. Laws, Jr.**
Aldermen	**Paul Duvall**
	Steve Lemley
	David Kilburn
	Kerry Austin
	J. A. Wiley
	Jim McGee

PREFACE

The Atkins Municipal Code is a codification of the general ordinances of the city of Atkins, Arkansas.

The loose-leaf binder and numbering system are designed to permit the code to be kept completely up to date. We hope this will enable the code to be of the greatest assistance to the citizens and municipal officials of the city of Atkins.

ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE

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ORDINANCE NO. 1

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ATKINS, ARKANSAS, ESTABLISHING

THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Atkins Municipal Code". Such Code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before January 13, 1976 to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after the 13th day of January, 1976. All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the 13th day of January, 1976 except as hereinafter provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code;

B. Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

C. Any contract or obligation assumed by the city;

D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;

E. Any appropriation ordinance;

F. Any ordinance which, by its own terms, is effective only for a stated or limited time;

G. Any ordinance providing for local improvements and assessing taxes therefor;

H. Any ordinance dedicating or accepting any subdivision plat;

I. Any ordinance enacted after January 13, 1976.

Section 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of such Code shall be punishable as provided by 1.32.01 of such Code.

Section 5. That any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the Atkins Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in 1.32.01 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such Code shall be kept on file in the office of the clerk/treasurer preserved in loose-leaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Clerk/Treasurer, or someone authorized by the clerk/treasurer to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the City Council. These copies of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Atkins to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent

of such conflict, hereby repealed.

Section 10. It is hereby found that many of the ordinances of the city of Atkins are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the city of Atkins adopted and published. Therefore, an emergency is hereby declared to exist and this Ordinance No. 1 being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this 13th day of January, 1976.

/s/ Stephen C. Kent
MAYOR

(SEAL)

ATTEST:

/s/ Dallas L. Swain RECORDER/TREASURER

TITLE 1

GENERAL PROVISIONS

Chapters:

1.04 How Code Designated and Cited
1.08 Rules of Construction
1.12 Subheadings of Sections
1.16 Effect of Repeal of ordinances
1.20 Severability of Parts of Code
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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 "Atkins 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 Pope, Arkansas.

CITY. The words "the city" or "this city" shall mean the City of Atkins, 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 Atkins, Arkansas.

OTHER CITY OFFICIALS OR OFFICERS. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "city clerk/treasurer", "police chief", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City of Atkins.

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 reenacted.

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.

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 by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality 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:

1.24.01 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 shall be made by amending such provisions by specific reference to the section number of this code in the following language: "That section of the Atkins Municipal Code is hereby amended to read as follows: The new provisions shall 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 Atkins 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 shall 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 Atkins, Arkansas, to be misrepresented thereby. Any person violating this section shall be punished as provided in 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 ($500.00) Dollars and if the act is continuous, not more than Two Hundred and Fifty ($250.00) Dollars 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 therefor shall be no less nor greater than that set forth by state law, and provided further, that the commission of any act declared to be unlawful shall be deemed to be a misdemeanor.

STATE LAW REFERENCE-For statutory provisions pertaining to penalties cities may impose, see Ark. Stats. 19-2409 (as amended by Act 548 of 1975) - 19-2411

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 7 to the Constitution of the State of Arkansas, must be filed with the clerk/treasurer within thirty (30) days after the passage of such ordinance. (Ord. No. 240, Sec. 1; Adopted July 11, 1951)

1.36.02 Notice of filing. Whenever any referendum petition is filed the city council shall give notice by publication for one (1) insertion of a time not less than five (5) days after the publication of such notice at which they 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 city 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 the County within thirty (30) days to review its action. (Ord. No. 240, Sec. 2; Adopted July 11, 1951)

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 or place the question on the ballot

at the next municipal general election to determine by vote of the qualified electors whether the ordinance shall stand or be revoked. The date for any special election shall not be less than ten (10) days after the order therefore has been named by the council and the special election shall be had and conducted as general municipal elections held in the city. (Ord. No. 240, Sec. 3; Adopted July 11, 1951)

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. 240, Sec. 4; Adopted July 11, 1951)

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