

TITLE 1

GENERAL PROVISIONS

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CHAPTER 1.04

CODE DESIGNATED AND CITED

Sections:

- 1.04.01 Code Designated and Cited
- 1.04.02 New Code Adopted/Enacted

1.04.01 Code Designated and Cited The ordinances embraced in the following chapters and sections shall constitute and be designated "Lonoke Municipal Code" and may be so cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701, *et seq.*

1.04.02 New Code Adopted/Enacted That the Lonoke Municipal Code is hereby amended to add Section 1.04.02 and shall read as follows:

- A. Adopted/Enacted That the Code of Ordinances is hereby adopted and enacted as the "Lonoke 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 April 14, 2014, to the extent provided in Section 2 hereof. (Ord. No. 667, Sec. 1).

- B. Effective Date That all provisions of such code shall be in full force and effect from and after April 14, 2014. All previously enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body. (Ord. No. 667, Sec. 2).
- C. Penalty 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 Section 1.32.01 of such code. (Ord. No. 667, Sec. 3).
- D. Amendments 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 Lonoke Municipal Code shall be understood and intended to include such additions and amendments. (Ord. No. 667, Sec. 4).
- E. Penalty Cont. 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 Section 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.
(Ord. No. 667, Sec. 5).
- F. Copies That three copies of such code shall be kept on file in the office of the Clerk 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, or someone authorized by the Clerk, 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.
(Ord. No. 667, Sec. 6)
- G. Alterations 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 Lonoke to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.
(Ord. No. 667, Sec. 7).

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 LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which set forth the laws passed by the General Assembly of the state of Arkansas.

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

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

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.

MUNICIPALITY The words "**the municipality**" or "**this municipality**" shall mean the city of Lonoke, Arkansas.

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**".

OTHER CITY OFFICIALS OR OFFICERS References made to officials, boards, commissions, departments, etc., by title only shall be deemed to refer to the officials, boards, commissions and departments of the city of Lonoke, Arkansas.

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.

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

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

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

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.

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 of the city of Lonoke, Arkansas, 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 manner, if substantially similar language is used: "That section _____ of the Lonoke 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 or substantially similar language may be used: "That the Lonoke 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. In the alternative, if an ordinance is repealed by reference to its ordinance number, then the code section, title, chapter or provision setting forth the words of the repealed ordinance shall be deemed to have been repealed and shall be omitted from this code.

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code Any ordinance and any portion of this code shall be repealed or amended only by an ordinance duly passed by the governing body of the city of Lonoke, or by a vote of the qualified electors as provided in the Constitution or the laws of the state of Arkansas. 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 which shall cause the law of the city of Lonoke, 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, whenever 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) or double that sum for each repetition of such offense or violation 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. STATE LAW REFERENCE-See A.C.A. 14-55-502.

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

1.36.01	Filing date
1.36.02	Publication
1.36.03	Special election
1.36.04	Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas, appearing on pages 1076 to 1084, inclusive of the Acts of the General Assembly of the state of Arkansas of the year 1925, must be filed with the City Clerk within thirty (30) days after passage of any such ordinance. (Ord. No. 252, Sec. 1.)

1.36.02 Publication That the Lonoke Municipal Code is amended to read as follows: Whenever any referendum petition is filed, the City Council shall give notice by publication of the time at which it will hear all persons who wish to be heard on the question of whether such petition is signed by the requisite number of petitioners. Such publication shall be in a newspaper of general circulation and shall be published at least five days before the date of the hearing

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 Circuit Court of Lonoke County within thirty (30) days to review its action. (Ord. No. 252, Sec. 2, amended by Ord. No. 648, Sec. 2-A)

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 be not less than ten (10) days after the order therefore has been named by the Council and said special elections shall be had and conducted as general municipal elections held in the city of Lonoke. (Ord. No. 252, Sec. 3.)

1.36.04 Upon defeat of ordinance That the Lonoke Municipal Code is amended to read as follows: If any ordinance referred to the people is defeated at the polls; the City Council shall make a note of such fact and reflect in its records the failure to pass such ordinance in its files. Any such ordinance shall not be included in the book of ordinances kept by the City Clerk. (Ord. No. 252, Sec.4, amended by Ord. No. 648, Sec. 4-A.)

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 7-9-103 through 7-9-120 and 14-55-203.