

# **MUNICIPAL CODE**

## **A Code of the General Ordinances of the city of Pea Ridge, Arkansas**

Date of Incorporation

November 7, 1935

Prepared with  
assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

P. O. Box 38  
2nd and Willow  
North Little Rock, Arkansas 72115  
Telephone: 374-3484

# **PEA RIDGE MUNICIPAL OFFICIALS**

## **At The Time Of This Code's Preparation**

<b>Mayor</b>	<b>Jackie Crabtree</b>
<b>Recorder/Treasurer</b>	<b>John Burket</b>
<b>Bookkeeper</b>	<b>Barbara Brydle</b>
<b>City Attorney</b>	<b>Howard Slinkard</b>
<b>City Judge</b>	<b>Hardy Croxton, Jr.</b>
<b>Court Clerk</b>	<b>Sandy Easley</b>
<b>Police Chief</b>	<b>Tim Ledbetter</b>
<b>Fire Chief</b>	<b>Frank Rizzio</b>
<b>Water and Sewer Superintendent</b>	<b>Robert Button</b>
<b>Street Superintendent</b>	<b>David Gyll</b>
<b>Building Inspector</b>	<b>Darrel VanRockel</b>

<b>Aldermen</b>	<b>Jim Dawson</b>	<b>Gary Morgan</b>
	<b>Fred Spencer</b>	<b>John Erwin</b>

## **ORDINANCE NO. 334**

**AN ORDINANCE ADOPTING AND ENACTING A  
NEW MUNICIPAL CODE OF ORDINANCES OF  
THE CITY OF PEA RIDGE,  
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 PEA RIDGE,  
ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Pea Ridge 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 December 30, 2003, 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 30<sup>th</sup> day of December, 2003. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the 30<sup>th</sup> day of December, 2003, except as herein 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 No resolution of the city, not specifically mentioned, is hereby repealed.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:

- (1) 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;
- (2) 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;

- (3) Any contract or obligation assumed by the city;
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- (5) Any appropriation ordinance;
- (6) Any ordinance which, by its own terms, is effective only for a stated or limited time;
- (7) Any ordinance providing for local improvements and assessing taxes therefore;
- (8) Any ordinance dedicating or accepting any subdivision plat; or
- (9) Any ordinance establishing improvement districts;
- (10) Any ordinance re-zoning, annexing or vacating real property
- (11) Any ordinance calling for a city-wide sales tax; or
- (12) Any ordinance enacted after December 30, 2003.

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 Section 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 Pea Ridge 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 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.

Section 7. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Recorder/Treasurer, or someone authorized by the Recorder/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 Pea Ridge to be misinterpreted 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 Pea Ridge 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 Pea Ridge adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservations 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 30<sup>th</sup> day of December, 2003.

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Jackie Crabtree, Mayor

(SEAL)

ATTEST:

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John Burkett, City/Recorder

## **LEGAL NOTICE**

Notice is hereby given that the city of Pea Ridge, Arkansas, is planning to adopt the Pea Ridge Municipal Code for the city of Pea Ridge, Arkansas.

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Pea Ridge Municipal Code are on file in the office of the Recorder/Treasurer for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the City Council on \_\_\_\_\_.

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MAYOR

## ***P R E F A C E***

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

The loose-leaf binder and numbering system have been designed to permit the code to be easily and efficiently kept up to date. We hope this will enable the municipal code to be of the greatest assistance to the citizens and municipal officials of the city of Pea Ridge.

**ARKANSAS MUNICIPAL LEAGUE  
CODE SERVICE**

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# **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
- 1.24 Amendments to Code
- 1.28 Altering 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 "Pea Ridge Municipal Code" and may be so cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701; 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 LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which are 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 Pea Ridge, 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 Pea Ridge, Arkansas.

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

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

**OTHER CITY OFFICIALS OR OFFICERS.** Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "**Mayor**", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Pea Ridge, 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.

**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, 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 of the city of Pea Ridge, 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 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:**

##### 1.24.02 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 Pea Ridge 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 may be used: "That the Pea Ridge 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 Pea Ridge, 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) 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 therefor shall be no less nor greater than that set forth by state law.

STATE LAW REFERENCE-See A.C.A. 14-55-504

## **CHAPTER 1.36**

### **REFERENDUM PETITIONS**

#### **Sections:**

- 1.36.01 Filing date
- 1.36.02 Notice of hearing
- 1.36.03 City Council calls 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 days after the passage of such ordinance. (Ord. No. 102, Sec. 1.)

**1.36.02 Notice of Hearing.** Whenever any referendum petition is filed the City Council shall give notice by publication for one 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 Benton County within thirty (30) days to review its action. (Ord. No. 102, Sec. 2.)

**1.36.03 City Council calls election.** If the City Council of the city of Pea Ridge, Arkansas, 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 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 Pea Ridge. (Ord. No. 102, Sec. 3.)

**1.36.04 Upon defeat of ordinance.** If any ordinance referred to the people is defeated at the polls, the City Council of the city of Pea Ridge, Arkansas, shall make a note of such fact and shall expunge such ordinance from its files by erasing the same with red ink. (Ord. No. 102, Sec. 4.)

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 14-55-301