

MUNICIPAL CODE

**A Code of the General Ordinances
of the city of Fairfield Bay, Arkansas**

Date of Incorporation

July 29, 1993

Date of Codification

September 2005

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

FAIRFIELD BAY'S MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor	William K. Duncan, Jr.	
Recorder/Treasurer	Rose Owen	
City Attorney	A. J. Kelly	
Police Chief	Kerry Brown	
Fire Chief	John Cook	
Rescue Captain	Don Johnson	
Code Enforcement Officer	Bud Wells	
Aldermen	Willa Wells	V.A. Volz
	Thomas Schueren	Doyle Scroggins
	Larry Castro	Larry Arndt

ORDINANCE NO. _____

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

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Fairfield Bay 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 _____, 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 _____ day of _____. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.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:

- 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 therefore;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after _____.

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 Fairfield Bay 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 Fairfield Bay 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 Fairfield Bay 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 Fairfield Bay adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance 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 _____ day of _____.

Mayor

(SEAL)

ATTEST:

Recorder/Treasurer

LEGAL NOTICE

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

Pursuant to A.C.A. 14-55-206 three copies of the Fairfield Bay 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

_____.

MAYOR

P R E F A C E

The Fairfield Bay Municipal Code is a codification of the general ordinances of the city of Fairfield Bay, 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 Fairfield Bay.

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

TABLE OF CONTENTS

Title 1	General Provisions
Title 2	Classification, Administration and Personnel
Title 3	Fiscal Affairs
Title 4	Business Licenses and Regulations
Title 5	Health and Sanitation
Title 6	Animals and Fowl
Title 7	Public Peace, Safety and Morals
Title 8	Vehicles and Traffic
Title 9	Streets and Sidewalks
Title 10	Utilities
Title 11	Buildings and Construction
Title 12	Parks and Recreation
Title 13	Planning
Title 14	Zoning
Title 15	Subdivision Regulations

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.04 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
- 1.32 General Penalty
- 1.36 Referendum Petitions

CHAPTER 1.04

CODE DESIGNATED AND CITED

Sections:

- 1.04.01 Code designated and cited

1.04.01 Code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Fairfield Bay 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 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 Fairfield Bay, 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 Fairfield Bay, Arkansas.

COUNTY. The words "**the county**" or "**this county**" shall mean the county of Van Buren, and/or Cleburne County, 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 Fairfield Bay, 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 Fairfield Bay, 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 Fairfield, 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 Fairfield Bay, 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 if substantially similar language: "That section _____ of the Fairfield Bay 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 Fairfield Bay 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 Fairfield Bay, 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 Fairfield Bay, 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 of notice and hearing on petition
- 1.36.03 Special election

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 Recorder/Treasurer within thirty (30) days after passage and publication of such ordinance. (Ord. No. 93-03, Sec. 1.)

1.36.02 Publication of notice and hearing on petition. That upon the filing of said referendum petition, the Mayor is directed to give notice by publication for one (1) insertion in a newspaper having a general circulation in the city of Fairfield Bay, Arkansas, and by posting in five (5) public places in the city of Fairfield Bay, Arkansas 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, and its decision shall be final unless suit is brought in the court having jurisdiction of such matters within thirty (30) days to review its action, or enjoin it action. (Ord. No. 93-03, Sec. 2.)

1.36.03 Special election. If the City Council finds that such petition is signed by the requisite number of petitioners, it shall order a special election to determine by vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the city of Fairfield Bay, Arkansas, and by posting in five (5) public places in the city of Fairfield Bay 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. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election. (Ord. No. 93-03, Sec. 3.)

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

