

# TITLE 1

## GENERAL PROVISIONS

### Chapters:

- 1.04 How Code is 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

#### HOW CODE IS DESIGNATED AND CITED

### Sections:

- 1.04.01 How code is designated and cited

1.04.01 How code is designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Foreman 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 Foreman, 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 Foreman, Arkansas.

**COUNTY.** The words "**the county**" or "**this county**" shall mean the county of Little River, 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 Foreman, 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 Foreman, 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 Foreman, 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 Foreman, 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 Foreman 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 Foreman 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 Foreman, 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 Foreman, 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	Hearing
1.36.03	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 and publication of such ordinance. (Ord. No. 139, Sec. 1.)

1.36.02 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 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 Little River County within thirty days to review its action. (Ord. No. 139, Sec. 2.)

1.36.03 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 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 Foreman. (Ord. No. 139, Sec. 3.)

1.36.02 Upon defeat of ordinance. If any ordinance referred to the people is defeated at the polls, the City Council of the city of Foreman, Arkansas, shall make a note of such fact and shall expunge such ordinance from its files. (Ord. No. 139, Sec. 4.)

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