

BLYTHEVILLE
MUNICIPAL CODE

A Code of the General ordinances
of the city of Blytheville, Arkansas

Date of Incorporation
January 4, 1892

Prepared with the
assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
2nd and Willow
North Little Rock, Arkansas 72114
Telephone: 374-3484

ORDINANCE NO._____

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

SECTION 1. That the Code of Ordinances is hereby adopted and enacted as the "Blytheville 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 August 17, 1982, 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 passage of this ordinance. All ordinances of a general and permanent nature not included in such Code are not repealed, except as hereinafter provided. No resolution of the city, not specifically mentioned, is hereby repealed. The following unused, archaic, or otherwise unnecessary provisions are repealed:

- Ordinance 27 and amending ordinances 93 and 106.
- Ordinance 282 concerning a board of examiners of plumbers.
- Ordinance No. 566A, concerning plumbing codes and inspectors.
- Prior code provisions and ordinances relating to the creation of a Board of Health, and Ordinance 349 relating to Board of Governors for a city hospital.
- Ordinance 484 relating to parking meters.
- Prior code provisions omitted and Ordinances 626, 705 relating to traffic regulations.
- Ordinance No. 684 relating to carnivals.
- Ordinance No. 404 relating to hawkers, peddlers, and solicitors.
- Ordinance No. 1048 relating to solicitors.
- Ordinance No. 1540 relating to itinerant merchants.
- Prior code provisions or ordinances outlawing loitering including Ordinance No. 1546.

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 therefor;
- (8) Any ordinance dedicating or accepting any subdivision plat;
- (9) Any ordinance enacted after August 17, 1982.

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 Blytheville 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 City Clerk 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 City Clerk, or someone authorized by the City 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.

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 Blytheville 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 Blytheville 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 Blytheville adopted and published. Therefore, an emergency is hereby declared to exist and this Ordinance No._____ 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 17th day of August 1982.

MAYOR

(SEAL)

ATTEST:

CITY CLERK

LEGAL NOTICE

Notice is hereby given that the city of Blytheville, Arkansas, is planning to adopt the Blytheville Municipal Code for the city of Blytheville, Arkansas. Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Blytheville Municipal Code are on file in the office of the City Clerk 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

BLYTHEVILLE MUNICIPAL OFFICIALS
AT THE TIME OF THIS CODE'S ADOPTION

Mayor	James Sanders
Clerk/Treasurer	Connie Mosley-Brents
City Attorney	Chris Brown
Aldermen	John Mayberry
	Vera James
	Barbara McAdoo-Brothers
	Matt Perrin
	Ray Jones
	John Musgraves

PREFACE

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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TITLE 1

GENERAL PROVISIONS

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CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Section:

- 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 "Blytheville Municipal Code" and may be so cited.

CHAPTER 1.08

RULES OF CONSTRUCTION

Section:

- 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.

REFERENCES: STATE LAW REFERENCE: Ark. Code Ann. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the State of Arkansas.

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

MUNICIPALITY. The words "the municipality" or "this municipality" shall mean the city of Blytheville.

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.

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, lines, 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 Blytheville 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 Blytheville 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 Blytheville, 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

Section:

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 therefore shall be no less nor greater than that set forth by state law.

CHAPTER 1.36

ORDINANCES

Sections:

1.36.01	Numbering
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1.36.01 Numbering. All enactments passed by the city council shall commence with the words, "Be it ordained by the city council of the City of Blytheville, Arkansas,;" shall be consecutively numbered and no ordinance shall contain more than one subject matter. (Ord. No. 1)

1.36.02 Publication. All ordinances of a general or permanent nature and all those imposing any fine, penalty or forfeiture enacted by the city council shall be published in some newspaper of general circulation in the city by one insertion; the publication shall be made within one month from the passage of such ordinance. (Ord. No. 2)

1.36.03 Submitted to city attorney; copies. All ordinances and resolutions shall be submitted to the city attorney for approval as to form and content prior to consideration by the city council, and an original and two copies of each proposed ordinance and resolution or ordinance shall be filed with the city clerk; upon adoption, one copy of each resolution or ordinance shall be immediately furnished to the head of the department of the city affected; one copy to the city attorney; and the clerk shall retain the original copy in the official records of the city.

1.36.04 Initiative and referendum petition.

- A. All petitions to invoke the initiative or to refer any ordinance to the people shall be filed with the city clerk within the time herein provided, and the sufficiency of such petitions decided in the first instance by the city clerk, subject to review by the circuit court, as hereinafter provided.
- B. only qualified voters shall be counted upon petitions.
- C. Petitions may be circulated and presented in parts, but each part of any petition shall have attached thereto the affidavits of the persons circulating the same, as hereinafter provided. (Code 1952, Sec. 1-91)

1.36.05 Verification. Every sheet of every initiative or referendum petition containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated said sheet or said petition by his or her affidavit thereon as part thereof:

STATE OF ARKANSAS
COUNTY OF MISSISSIPPI

I, _____, being first duly sworn, state that (here shall be legibly written or printed the names of the signers of the sheet) signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence. I believe each has stated his name, residence, post office address, and voting precinct correctly, and that each signer is a legal voter of the city of Blytheville, Arkansas.

Signature
P. O.

Subscribed and sworn to before me this _____ day of _____, 20_____.

The forms given herein are directory, and not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors. (Code 1952, Sec. 1-95)

1.36.06 Attachment to petition. To every petition to invoke the initiative or for the referendum shall be attached a full and correct copy of the measure sought to be initiated or on which the referendum is ordered, and it shall also contain the exact title to be used on the ballot, which title shall be certified by the city clerk to the county election commissioners exactly as contained in said petition and such title shall be placed upon the ballot by the election commissioners.

1.36.07 Judicial review.

- A. If the city clerk shall refuse to accept and file any initiative or referendum petition or certify the same to the election commissioners of the county when filed, any citizen of the city may apply within thirty (30) days after such refusal to the circuit court for a writ of mandamus to compel him to do so. If it shall be decided by the court, that such petition is legally sufficient, the city clerk, shall then file it, or certify it out with a certified copy of the judgement attached thereto, as of the date it was originally offered for filing in his office.
- B. Upon petition of any citizen of the city, if it be shown that any such petition is not legally sufficient, the court or judge thereof, may enjoin the city clerk and all other officers from certifying or printing on the official ballot for the ensuing election the ballot title of such measure. (Code 1952, Sec. 1-92)

1.36.08 Procedure when petition declared sufficient.

- A. Any initiative or referendum petition when declared to be sufficient by the city clerk or by the judgment of the circuit court, shall be certified by the clerk to the county election commissioners who shall place them upon the ballot by the official title at any general or special election upon which the same is to be voted upon.
- B. The county election commissioners shall within three (3) days after the returns of said election are turned over to them, count the ballots, determine the result of the election, and certify the result thereof to the city clerk.
- C. All such ordinances receiving a majority of the votes cast for the ordinance shall become a law thirty (30) days after its adoption has been certified to the city clerk by said county election commissioners. (Code 1952, Sec. 1-93)

1.36.09 Publication. Not later than sixty (60) days prior to any regular general election at which any measure is to be submitted to the voters of the municipality and not less than seven (7) days before any special election called to vote upon any referred ordinance, the city clerk shall cause to be published in a newspaper of general circulation in the city a true copy of the title and full text of the measure to be submitted with the number and form in which the ballot title thereof will be printed in the official ballot. (Code 1952, Sec. 1-96)

1.36.10 Filing time - initiative. Within not more than ninety (90) days and not less than sixty (60) days before any regular general election to be held in the city, fifteen percent (15%) of the regular voters of the city may, by petition, initiate any ordinance of a general nature affecting the city not in conflict with any law of the state. (Ord. No. 457)

1.36.11 Signatures. The number of signatures required upon initiative petition shall be computed upon the total vote cast for the office of mayor at the last preceding general election.

All measures initiated by the people shall be submitted only at the regular city election. (Code 1952, Sec. 1-89)

1.36.12 Initiative petition. The petition to initiate a measure shall be substantially in the following form:

INITIATED PETITION

To the honorable City Clerk of Blytheville, Arkansas:

We, the undersigned legal voters of the city of Blytheville, Arkansas, respectfully order, by this our petition, that the measure or ordinance attached hereto to be placed

upon the official ballot by its legal title to the end that the same may be approved or rejected by the vote of said municipality on _____ day of _____, 20____, the same being the day provided by law for the regular city election; and each of us, for himself says; I am a qualified elector of the State of Arkansas and entitled to vote at the voting precinct stated after my name, and my residence, post office address, and voting precinct are correctly written after my name.

Name _____

Residence

Post office _____

Voting Precinct

(Code 1952, Sec. 1-94)

1.36.13 Filing time, referendum. All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the city clerk within thirty (30) days after the passage of the measure upon which the referendum is sought. (Ord. No. 524, Sec. 1, 4-21-52)

STATE LAW REFERENCE-see Ark. Stats. 2-401

1.36.14 Referendum petition. The petition and order for referendum shall be substantially in the following form:

PETITION FOR REFERENDUM

To the Honorable

City Clerk of Blytheville, Arkansas.

We, the undersigned legal voters of the city of Blytheville, Arkansas, respectfully order, by this, our petition, that Ordinance No._____, passed by the Council of the City of Blytheville, Arkansas, on the _____ day of _____, 20_____, and entitled "An Ordinance_____ be referred to the people of said municipality to the end that the same may be approved or rejected by the vote of the legal voters of said municipality on the _____ day of _____, 20_____: and each of us for himself says: I am a qualified elector of the State of Arkansas, and entitled to vote at the voting precinct stated after my name, and my residence, post office address, and voting precinct are correctly written after my name.

Name _____

Residence

Post office _____

Voting Precinct

1.36.15 Hearing on petition. 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 time 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. 524, Sec. 2, 4-21-52)

1.36.16 Ordering election.

- A. 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 a vote of the qualified electors whether the ordinance shall stand or be revoked. The date of such election shall be not less than fifteen (15) days after the order therefore has been made by the council and said election shall be had and conducted as general municipal elections are held in the city.
- B. Not less than seven (7) days before any special election is called to vote upon any referred ordinance, the city clerk shall cause to be published for one insertion in one newspaper published in the city, a true copy of the title and full text of the ordinance to be submitted, together with the number of the ordinance and the form in which the ballot title thereof will be printed upon the official ballot. (Ord. No. 524, Sec. 3, 4-21-52)

1.36.17 Ordinance ineffective. When a referendum shall be ordered upon any ordinance passed by the city council, such ordinance shall remain ineffective and inoperative until a majority of the qualified voters participating in the election to which such ordinance has been referred shall have voted thereon and the result of the vote shall have been legally proclaimed. (Ord. No. 457)

1.36.18 Procedure after defeat. If any ordinance referred to the people is defeated at the polls, the city council shall make note of such fact and shall expunge such ordinance from its files with red ink. (Ord. No. 524, Sec. 4, 4-21-52)