

**ORDINANCE NO. 04-21-2011 B**

**AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELKINS, 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; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, DECLARING AN EMERGENCY TO EXIST AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF, ELKINS, ARKANSAS:**

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Elkins' 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 6<sup>th</sup> of January, 2011, 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 first day of May, 2011. 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enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body.

Section 3. 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 4. 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 Elkins' Municipal Code shall be understood and intended to include such additions and amendments.

Section 5. 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.

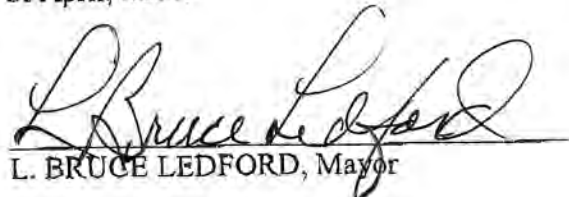
Section 6. That three copies of such code shall be kept on file in the office of the office manager at Elkins' City Hall, 1874 Stokenbury Road or such other place as the Elkins' City Hall may be relocated on a temporary or permanent basis, preserved in loose-leaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Office Manager, or someone authorized by the Office Manager, 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 7. 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 Elkins, Arkansas to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 8. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. It is hereby found that many of the ordinances of the City of Elkins 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 Elkins 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 April, 2011.

  
L. BRUCE LEDFORD, Mayor

ATTEST:

  
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JASON, BATHON, City Clerk