

MOUNTAIN HOME
MUNICIPAL CODE

A Code of the General Ordinances
of the city of Mountain Home, Arkansas

Date of Incorporation

April 16, 1888

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
2nd and Willow
North Little Rock, Arkansas 72115
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MOUNTAIN HOME MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor		Carol Howell
City Clerk		Debbie House
City Treasurer		Bonnie Conley
City Attorney		Roger Morgan
Municipal Judge		Van Gearhart
Court Clerk		Linda Shafer
Police Chief		Philip Frame
Fire Chief		Dale Harris
Sewer Superintendent		Don Masner
Parks and Recreation Director		Jackie Leatherman
Code Enforcement Officer		Norris Oxner
Administrative Assistant		Sherry Harris
Aldermen	Jennifer Baker	Opal Banning
	Bill Blevins	Lucille Caton
	Mary James	Harold Marks
	Keith Parks	Lester White

ORDINANCE NO. _____

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

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 All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.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

- (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 _____.

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 therefor, 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 Mountain Home 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 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 Mountain Home 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 Mountain Home are not easily and readily 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 Mountain Home 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 _____ day of _____.

Mayor

(SEAL)

ATTEST:

City Clerk

LEGAL NOTICE

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

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Mountain Home 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

P R E F A C E

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

**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

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 "Mountain Home 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 Mountain Home, 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 Mountain Home, Arkansas.

County The words "the county" or "this county" shall mean the county of Baxter, 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 Mountain Home, 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 official 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 Mountain Home, 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.

Sidewalk The word "sidewalk" means a strip of land in front of 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, lanes, viaducts and all other public highways in the city of Mountain Home, 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

Section:

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

Section:

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances.

- A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- B. 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

Section:

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 Mountain Home, Arkansas, that all of 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 or sections of this code.

CHAPTER 1.24

AMENDMENTS TO CODE

Section:

1.24.01 Amendments to code

1.24.01 Amendments to code.

- A. 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.
- B. 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 Mountain Home Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.
- C. In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the Mountain Home 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.
- D. 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 Mountain Home, 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

Section:

1.32.01 General penalty

1.32.01 General penalty.

Whenever in the Mountain Home 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 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 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 must be filed with the City Clerk within thirty (30) days after passage of such ordinance.

1.36.02 Notice of Hearing.

Whenever any referendum petition is filed the City Council of the city of Mountain Home, Arkansas, 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 Baxter County, Arkansas, within thirty (30) days to review its action.

1.36.03 City Council calls election.

If the City Council of the city of Mountain Home, 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 set less than thirty (30) days after the order therefor has been made by the Council, and said special election shall be had and conducted as general municipal elections held in the city of Mountain Home, Arkansas.

1.36.04 Upon defeat of ordinance.

If any ordinance referred to the people is defeated at the polls, the City Council shall make a note of such fact and shall expunge such ordinance from its files.

STATE LAW REFERENCE-See Const., Amend. No. 7

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