

THE CROSSETT
MUNICIPAL CODE
2005 EDITION

A Code of the General Ordinances
of the City of Crossett, Arkansas

Date of Incorporation

April 22, 1903

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

CROSSETT MUNICIPAL OFFICIALS

At The Time Of This Code's Adoption

Mayor	Marshall Scott McCormick II
Clerk/Treasurer	Jesse Walthall
City Attorney	James A. Hamilton
District Judge	Billy Hubbell
Police Chief	Tommy Sturgeon
Fire Chief	James Launius
Water Superintendent	Mary Jo Jones
Wastewater Committee Chairman	Claude Spainhour
Street/Sanitation Superintendent	Herman Pruitt
Personnel Director	Betty Walthall
Code Enforcement Officer	Steve White

Aldermen	Robert Freeman	William C. Nance
	C.T. Foster	Debra Barnes
	Sue Miller	Robert Wright

ORDINANCE NO. _____

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

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 All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.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

Clerk/Treasurer

LEGAL NOTICE

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

Pursuant to Ark Code Ann. 14-55-206 (1999 Repl.) three copies of the Crossett Municipal Code are on file in the office of the Mayor 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 Crossett Municipal Code is a codification of the general ordinances of the city of Crossett, 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 Crossett.

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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TITLE 1

GENERAL PROVISIONS

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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 " Crossett Municipal Code" and may be so cited.

STATE LAW REFERENCE-See Ark. Code Ann. 14-55-701, et seq. (1998 Repl.)

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 definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the City Council.

GENERALLY. All words and phrases shall be construed and understood according to the common and approved usage of language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this code are at variance with the requirements of any other lawfully adopted rules and regulations, the most restrictive, or that imposing the higher standards, shall govern.

STATE LAW REFERENCE: Ark. Code Ann. refers to the official Arkansas Code Annotated which set forth the laws passed by the General Assembly of the state of Arkansas.

ALDERMEN. The term "**aldermen**" means the members of the City Council of the city and is synonymous with councilmember.

CITY. The term "**city**" shall mean the city of Crossett, Arkansas.

CITY CLERK, CITY CLERK/TREASURER, CITY TREASURER. The terms "**City Clerk**," "**City Clerk/Treasurer**" and "**City Treasurer**" are interchangeable and refer to the office of City Clerk/Treasurer or to either the office of City Clerk or City Treasurer or both of such offices of the city.

CITY COUNCIL, COUNCIL. The term "**City Council**" or "**Council**" means the City Council of the city of Crossett, Arkansas.

CODE. The term "**Code**" refers to the "Code of ordinances of the city of Crossett, Arkansas."

COMPUTATION OF TIME. Whenever a notice is required to be given or an act to be done, or in computing a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done is not counted in computing the time, but the day on which such proceeding is to be had is counted.

COUNTY. The term "**county**" means Ashley County, Arkansas.

DELEGATION OF AUTHORITY. Whenever a provision appears requiring the head of a department or other officer of the city to do some act or perform some duty, or granting some right of him as such official it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty, or it shall grant to them such right.

GENDER. A word importing the masculine gender only shall also extend and be applied to females and to firms, partnerships, corporations, and limited liability companies.

INCLUDE, INCLUDING. The terms "**include**," "**including**" or any other similar term of inclusion means without limitation or restriction.

MAY. The term "**may**" is to be construed as being permissive and not as being mandatory.

MAY NOT. The term "**may not**" has a prohibitory effect and states a prohibition.

MUST. The term "**must**" is to be construed as being mandatory and not as being permissive.

NUMBER. Words used in the singular include the plural, and the plural includes the singular number.

OATH. The word "**oath**" includes an affirmation in cases in which, by law, an affirmation may be substituted for an oath. In such cases the words "**swear**" and "**sworn**" are 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**" includes a firm, partnership, association, limited liability company, organization and bodies politic and corporate, or any combination thereof, as well as an individual.

REFERENCES TO OFFICIALS, BOARDS, ETC. Whenever a reference is made to officials, boards, commissions, departments, etc. by title only, i.e., "**City Clerk/Treasurer**," "**Chief of Police**," "**Water Commission**," etc. it refers to the officials, boards, commission and departments of the city.

SHALL. The term "shall" is to be construed as being mandatory and not permissive.

SIDEWALK. The term "**sidewalk**" means a strip of land in front or on the sides of a house or lot of land lying between the property line and the street.

SIGNATURE OR SUBSCRIPTION. The term "**signature**" or "**subscription**" includes a mark when a person cannot write.

STATE. The term "**state**" means the state of Arkansas.

STREET. The word "**street**" includes any street, avenue, boulevard, road, alley, lane, viaduct or other public highway in the city.

TENSE. Words used in the past or present tense include the future as well as the past or present tense.

WRITTEN, IN WRITING. The term "**written**" or "**in writing**" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

YEAR. The term "**year**" means a calendar year.

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 Crossett, 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 Crossett 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 Crossett 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 Crossett, 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 Crossett, 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 of a violation of this code shall be punished by 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 Ark. Code Ann. 14-55-502 (1998 Repl.)

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

1.36.01	Filing date
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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/Treasurer within thirty (30) days after passage and publication of such ordinance. (Ord. No. A-1, Code 1941.)

1.36.02 Procedure All ordinances, resolution, petitions or appeals for submission to the City Council for its action shall be filed in writing and in final form with the City Clerk/Treasurer not later than five days prior to the next regular or special meeting of the Council. (Ord. No. A-101, Sec. 2, April 20, 1953)

1.36.03 Public inspection The City Clerk/Treasurer shall show the date of the filing of such ordinance, resolution, petition or appeal on the original copy thereof and same shall not be considered by the Council unless the filing date shown is five days or more prior to the meeting of the Council at which it is submitted. After the filing, as required in this article, any such ordinance, resolution, petition or appeal shall be open for inspection by any interested person. (Ord. No. A-101, Sec. 2, April 20, 1953.)

1.36.04 Waiver In the event of an emergency, the time for filing of any ordinance, resolution, petition or appeal as provided in this article may be waived upon the finding of fact that an emergency exists by two-thirds of the members of the City Council present and voting. (Ord. No. A-101, Sec. 3, April 20, 1953)

1.36.05 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 Circuit Court of the county within 30 days to review its action. (Ord. No. A-1, Code 1941.)

1.36.06 Ordering election If the City Council finds that a petition filed pursuant to this article 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 for such election shall be not less than ten days after the order therefore has been made by the Council, and the election shall be had and conducted as general municipal elections held in the city. (Ord. No. A-1. Code 1941)

1.36.07 Notice

- A. Before the election at which any proposed or referred measure is to be voted upon by the people, notice shall be published in four weekly issues of some newspaper in the county as is provided by law.
- B. The notice shall contain the number, the popular name, the ballot title and a complete text of the measure to be submitted and shall be published in a camera-ready format in a type no smaller than eight point type.

1.36.08 Procedure If any ordinance referred to the people is defeated at the polls, the City Council shall make a note of such result and the City Clerk/Treasurer shall cancel such ordinance by noting such defeat in the ordinance record by a vote of the electorate. (Code 1941, Sec. 51.)