

**STUTTGART
MUNICIPAL CODE**

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

Date of Incorporation
May 19, 1889

Prepared with the
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

PREFACE

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

TABLE OF CONTENTS

| | |
|----------|--|
| Title 1 | General Provisions |
| Title 2 | Classification, Administration and Personnel |
| Title 3 | Fiscal Affairs |
| Title 4 | Business Licenses and Regulations |
| Title 5 | Health and Sanitation |
| Title 6 | Animals and Fowl |
| Title 7 | Public Peace, Safety and Morals |
| Title 8 | Vehicles and Traffic |
| Title 9 | Streets and Sidewalks |
| Title 10 | Water and Sewer |
| Title 11 | Buildings and Construction |
| Title 12 | Parks and Recreation |
| Title 13 | Planning |
| Title 14 | Zoning |
| Title 15 | Subdivision Regulations |

ORDINANCE NO. 1

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

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Stuttgart 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 November 18, 1976, 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 18th day of November, 1976. All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the 18th day of November, 1976, except as hereinafter provided.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 November 18, 1976.

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 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 Stuttgart 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 loose-leaf 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 Stuttgart 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 Stuttgart 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 Stuttgart adopted and published. Therefore, an emergency is hereby declared to exist and this Ordinance No. 1 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 18th day of November, 1976.

/s/ Harry Richenback
MAYOR

(SEAL)

ATTEST:

/s/ Vicky Maxwell
CITY CLERK

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.04 How Code 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 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 "Stuttgart 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

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.

In every instance where an offense is declared to be a misdemeanor under this code but no sentence other than a fine, forfeiture, or civil penalty is authorized upon conviction, the provisions of this code shall be construed to declare such offense to be a violation instead of a misdemeanor.

STATE LAW REFERENCE-see A.C.A. 5-1-108.

CITY. The words "the city" or "this city" shall mean the city of Stuttgart, 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 Stuttgart, Arkansas.

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

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 OFFICIALS OR OFFICERS. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "City Clerk, Treasurer, Police Chief, etc.," they shall be deemed to refer to the officials, boards, commissions and departments of the City of Stuttgart.

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

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. 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

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 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

Section:

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 Stuttgart 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 Stuttgart 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: . . . AThe 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

Section:

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 Stuttgart.

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, and provided further, that the commission of any act declared to be unlawful shall be deemed to be a misdemeanor.

STATE LAW REFERENCE-see A.C.A. 14-55-501 through 14-55-504 (as amended by Act 548 of 1975)

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

- 1.36.01 Filing date
- 1.36.02 Ordering special election
- 1.36.03 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 the passage of any ordinance. The City Clerk will determine whether such petition contains bona fide signatures of qualified electors at least equal to fifteen per cent (15%) of the number of votes cast in the last Mayor's Election.

1.36.02 Ordering special election. If the City Clerk finds that such petition is signed by the requisite number of qualified petitioners she shall certify to the Board of Election Commissioners that such petition is adequate and that the County Board of Election Commissioners should place the ordinance or resolution on the election ballot to determine if it

shall stand or be revoked. The Mayor shall then publish a notice of the call of such election in not less than one (1) issue of a newspaper having a general circulation in the City and posting in five (5) public places in the City not less than five (5) days prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance or resolution which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election. (Concept from Ord. No. 431)

1.36.03 Upon defeat of ordinance. If any ordinance referred to the people is defeated at the polls, the City Clerk shall certify the results of the election and shall further certify the defeat of the ordinance, expunging such ordinance from the ordinance books of the City.

STATE LAW REFERENCE-see Const., Amend. No. 7, and A.C.A. 14-55-301.