

ORDINANCE NO. O-2016-___

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ADOPTING BY REFERENCE CODIFICATION OF THE ORDINANCES OF BENTON COUNTY, ARKANSAS

WHEREAS, Benton County, Arkansas is completing a review and update of the codification of its ordinances, and

WHEREAS, the codification of Benton County ordinances (the “code”) expresses the present legislative intent of the Benton County Quorum Court, and

WHEREAS, notice of the intent to adopt the code by reference was published after the second reading and prior to the final adoption of the code, and

WHEREAS, at least one copy of the updated code to be adopted by reference has been filed in the office of the County Clerk since at least thirty days prior to its final adoption and there kept available for public use, inspection, and examination.

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1: The “CODE OF ORDINANCES, BENTON COUNTY, ARKANSAS,” published in 2016 by order of the Benton County Quorum Court by Municipal Code Corporation, Tallahassee, Florida, incorporated herein by reference, is hereby adopted.

ARTICLE 2: That violations of the Code of Ordinances, Benton County, Arkansas will be punished in accordance with § 1-9 of the code, which reads as follows:

Sec. 1-9. - Penalty for violations.

- (a) In this section the term "violation of this Code" means:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section the term "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$500.00 or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the same is unlawfully continued.

(d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.

(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty however does not prevent the simultaneous granting of equitable relief in appropriate cases.

ARTICLE 3: All ordinances or portions of ordinances in conflict with the document adopted by reference in Article I are hereby repealed.

APPROVED:

ROBERT D. CLINARD, COUNTY JUDGE
DATE SIGNED: _____

ATTEST:

TENA O'BRIEN, COUNTY CLERK
SPONSOR: JP Mary L. Slinkard
DATE ADOPTED: _____
Votes for: _____ Against: _____
Abstain: ___ Present: ___ Absent: ___