

**ORDINANCE NO. 2006-09-269**  
**AN ORDINANCE ADOPTING A FEE SCHEDULE TO REGULATE ALL**  
**MISCELLANEOUS VIOLATIONS OF CITY ORDINANCES AND CODES ;**  
**DECLARING AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City of Tontitown deems it necessary to establish fines and penalties to uphold its ordinances and building codes, which is used for the purposes of promoting the health, safety, and general welfare of the citizens of Tontitown; and

WHEREAS, the City of Tontitown has determined that it is necessary to maintain general fines and penalties for those violations that are not specifically addressed in certain ordinances or codes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TONTITOWN, ARKANSAS:

Section 1. If a ordinance or code does not specifically provide for the penalty for violating that ordinance or code, then this ordinance along with the below-mentioned fines will encompass those violations. This ordinance is not designated to supersede any ordinance or code in which penalties have already been established. Any conflict between the penalties stated below and any other ordinance or code violations will be resolved by deference to the more specific ordinance or code violation.

Section 2. Maximum penalties permitted.

(1) The city shall not inflict any fine or penalty, by ordinance or otherwise, to a greater sum than \$500.00 for any one specified offense or violation of a bylaw or ordinance, or double that sum for each repetition of such offense or violation.

(2) If a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the bylaw or ordinance, shall not exceed \$250.00 for each day that it may be unlawfully continued.

(3) If any bylaw or ordinance provides for any greater fine, penalty or forfeiture than is provided in this section, it shall and may be lawful, in any suit or prosecution for the recovery thereof, to reduce it to such amount as shall be deemed reasonable and proper and to permit a recovery or render a judgment for such amount as authorized.

Section 3. Imprisonment to enforce fine.

(1) When a fine has been imposed for the violation of any of the ordinances of the city and is not paid, the party convicted shall, by order of the Washington County District Judge who has jurisdiction to hear the matter, including the Springdale District Court or other proper authority or on process issued for the purpose, be committed until the fine and costs of prosecution shall be paid, or the party discharged by due course of law.

(2) Any person convicted of a repeated and willful violation of any ordinance, who shall refuse or neglect to pay the fine imposed and the cost of prosecution, by like order or process, shall be imprisoned and kept in confinement for any term not exceeding 30 days.

(3) All persons imprisoned in the County Jail shall be under the charge of the County Sheriff. The County Sheriff shall receive and discharge the person in such manner as shall be prescribed by the ordinances of the city and state statutes by due course of law.

Section 4. Working out of fines.

Fines imposed for violation of ordinances may be discharged by the offender voluntarily working out the fine upon the streets or facilities of the city. The County Sheriff shall give credit to such offenders at rates no less than those in A.C.A. §16-90-108.

Section 5. Suit for recovery of fines, etc.

(1) Fines, penalties, and forfeitures, in all cases and in addition to any other mode provided, may be recovered by suit or action before any court of competent jurisdiction, in the name of this city and for its use.

(2) In all cases of violation of any of its ordinances, this city, in addition to any other provided by law, shall have the right to recover in a civil action the amount of the lowest penalty or fines provided in the ordinance for each violation or, where the offense is in its nature continuous in respect to time, for each day's violation thereof, and also the amount of any license which the person guilty of the violations was required by any such ordinance to take out.

Section 6. (E) Disposition of fines.

All fines and penalties imposed by the city, sheriff's office, or district court regarding the above-mentioned violations in this city shall be paid into the city treasury.

Section 7. Emergency Clause. The City Council of the City of Tontitown, Arkansas has determined it necessary for the public peace, health, and safety that this Ordinance be effective immediately. Therefore, an emergency is declared to exist, and this Ordinance shall become effective immediately upon its passage. Said determination of an emergency is based upon the following facts found to exist by the City Council:

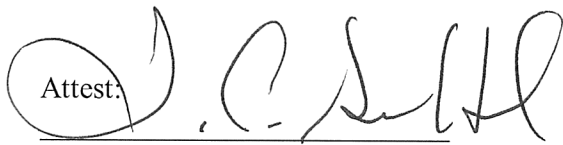
(1) This ordinance is necessary to correct any ambiguity as to the any penalties already established by ordinance or code;

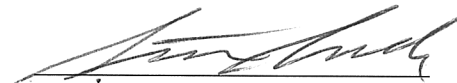
(2) An ordinance clearly defining the parameters of the City's penalties for violations of ordinances or codes would better express the intent of the City;

(3) Without this Ordinance becoming effective immediately the public peace, health and safety

will be endangered by those who may violate certain ordinances or codes already established by the City Council for public peace, health and safety of its citizens without any recourse by the City.

PASSED AND APPROVED this 5<sup>th</sup> day of September, 2006

Attest:   
City Recorder/Treasurer

  
Mayor

### ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	—	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	—	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	—	(Ward 1, Position 2)
Alderman Bradley Marveggio	—	—	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	—	(Ward 3, Position 2)
_____	—	—	(Ward 3, Position 1)
Mayor	—	—	

TOTALS:    YEAHS 4            NAYS 0

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### ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	—	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	—	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	—	(Ward 1, Position 2)
Alderman Bradley Marveggio	—	—	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	—	(Ward 3, Position 2)
_____	—	—	(Ward 3, Position 1)
Mayor	—	—	

TOTALS:    YEAHS 4            NAYS 0