

ORDINANCE NO. 0-81-25

AN ORDINANCE INCORPORATING BY REFERENCE ALL CRIMINAL OFFENSES AND TRAFFIC OFFENSES OF THE STATE OF ARKANSAS AS ORDINANCES OF THE CITY OF CONWAY, ARKANSAS; FIXING A MAXIMUM FINE THEREFORE: DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, Ark. Stat. 19-2408 provides that Ordinances of municipal corporations may be enforced by the imposition of fines, forfeitures and penalties, and that the fine, penalty or forfeiture may be prescribed by a general ordinance made for that purpose; and municipal corporations have the power to provide in like manner for the prosecution, recovery and collection of such fines, penalties and forfeitures; and,

WHEREAS, Ark. Stat. 19-2410 provides that the town or city council in all cities or incorporated towns in this state are authorized to prohibit and punish any act, which the laws of this state make a misdemeanor, and to prescribe penalties for all offenses in violating any Ordinance of said city not exceeding the maximum penalty prescribed for similar offenses against the state laws by the statutes of this state,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, AKRANSAS:

Section 1. There is hereby adopted for the City of Conway, Arkansas for the purpose of maintaining the peace and dignity of the City of Conway, Arkansas, and its citizens, the "Arkansas Criminal Code", the same being Ark. Stats. Sections 41-101 — 41-3173 as amended presently and hereafter; all portions of Title 75 of the Arkansas Statutes Annotated which are designated therein as misdemeanors, offenses, or violations under Arkansas Law, and for which a penalty is prescribed including amendments thereto both presently and hereafter passed; the portions of the Arkansas Uniform Control Substances Act, the same being Ark. Stat. Ann. Sections 82-2601 — 82-2638 which designate misdemeanor offenses as amended presently or hereafter; "The Arkansas Hot Check Law" as amended presently or hereafter; except that all minimum fine provisions in

the above statutes may be replaced and superseded by such minimum fine and bond schedule as the Conway City Council may enact. Not less than three (3) copies of the above have been and now are placed in the Office of the Clerk/Treasurer of the City of Conway, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Conway, Arkansas except that in the discretion of the City Attorney prosecutions may be made under the statutes of the State of Arkansas and in the name of the State as provided in Rule 1.5 of the Arkansas Rules of Criminal Procedure.

Section 2. The same maximum fines and penalties for the violation of the above misdemeanors, violations and offenses as are provided in the incorporated statutes in Section 1 hereof of the State of Arkansas are hereby adopted by reference as the maximum fines for the violation of the same offenses when prosecuted as Ordinances of this city.

Section 3. On all informations, warrants for arrest, citations, or other forms of process the designation of the offense may be by citation to this Ordinance and the applicable State statute or citation of the State statute alone. Whichever form of citation is used shall inform the person accused of the nature of the charge against him as required by law.

Section 4. If any clause, sentence, paragraph, section or other portion of this Ordinance or any State Statute incorporated herein by reference be found to be unconstitutional or invalid or inoperative by a court of competent jurisdiction, and such findings shall not affect the validity of the remainder of this Ordinance or its incorporated provisions, nor shall any proceeding attacking any portion of this Ordinance operate to affect any portion of the remainder of said Ordinance not specifically attacked in said proceeding.

Section 5. It is ascertained and declared that in order to provide for effective enforcement of the criminal and traffic offenses committed within the City of Conway, Arkansas for the

protection and preservation of the public peace, welfare, safety, and property of the citizens that the foregoing Ordinance be passed and adopted; that an emergency exists; and that this Ordinance shall take effect and be in force from and after its passage and publication.

PASSED: 6-9-81

APPROVED:

Bill Wright
Mayor

ATTEST:

Debra J. ...
City Clerk