

ORDINANCE NO. 114

**AN ORDINANCE ESTABLISHING
GENERAL PENALTIES FOR ORDINANCE VIOLATIONS.**

WHEREAS, it is the desire of the Town of Avoca, Arkansas to establish a provision concerning general penalties for violations of the Town's Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVOCA, ARKANSAS AS FOLLOWS:

- (a) In this Ordinance the term "Ordinance Violation" means any of the following:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by:
 - (A) A Town Ordinance;
 - (B) A statute adopted by reference in a Town Ordinance;
 - (C) A rule or regulation adopted by reference in a Town Ordinance;
 - or
 - (D) An order, rule or regulation authorized by a Town Ordinance.
 - (2) Failure to perform an act if the act is required to be performed, the failure to perform the act is prohibited, or the failure to perform the act is made or declared unlawful, an offense, a violation or a misdemeanor by:
 - (A) A Town Ordinance;
 - (B) A statute adopted by reference in a Town Ordinance;
 - (C) A rule or regulation adopted by reference in a Town Ordinance;
 - or
 - (D) An order, rule or regulation authorized by a Town Ordinance.

The term "Ordinance Violation" does not include the failure of a city officer or city employee to perform an official duty, unless it is specifically provided that failure to perform the duty is to be punished as provided herein.

(b) If an Ordinance Violation occurs and there is no specific penalty provided in the Ordinance, the Ordinance Violation shall be punished by a fine not exceeding \$500.00 for any one specified Ordinance Violation or by a fine not exceeding \$1,000.00 for each repetition of such Ordinance Violation.

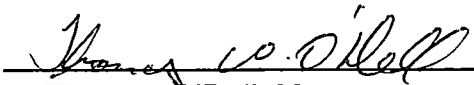
(c) If any Ordinance Violation is by its nature continuous in respect to time, the Ordinance Violation shall be punished by a fine not exceeding \$500.00 for each day that it may unlawfully continue.

(d) The imposition of a penalty hereunder does not prevent the Town from pursuing other remedies such as injunctive relief and revocation of licenses or permits.

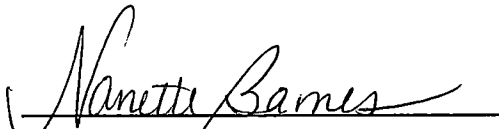
(e) The penalties for Ordinance Violations shall not exceed the penalties prescribed for similar offenses by the statutes of Arkansas. The Town shall not prescribe less severe penalties for Ordinance Violations than are prescribed for similar offenses by the statutes of Arkansas.

Emergency Clause: This ordinance is necessary in order to provide the continued health, safety, and welfare of the Town's citizens; therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 13th day of February, 2018.


Thomas O'Dell, Mayor

Attest:


Nanette Barnes, Recorder-Treasurer

User Name: JILL
CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
L201807959 2/15/2018 11:10:22 AM
Brenda DeShields, Circuit Clerk
BENTON CO, AR FEE \$20.00