

**CODE OF ORDINANCES
CHAPTER 1**

GENERAL PROVISIONS

Sec. 1-1. How Code Designated and Cited.

The Ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Searcy, Arkansas," and may be so cited.

Sec. 1-2. Rules of Construction.

In the construction of this Code, and of all Ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council:

State. The words "the State" or "this State" shall be construed to mean the State of Arkansas.

County. The words "the County" or "this County" shall mean the County of White, Arkansas.

City. The words "the City" or "this City" shall mean the City of Searcy, Arkansas.

Other City Officials or Officers. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "City Clerk-Treasurer," "Chief of Police," etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City of Searcy.

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.

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 read "and," and "and" may be read "or" if the sense requires it.

Person. The word "person" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, and includes a trustee, receiver, guardian, executor, administrator or other representative, as well as to individuals.

Sidewalk. The word "sidewalk" means a strip of land in front or on the sides of a house or lot of land lying between the property line and the street.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, 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.

Sec. 1-3. Catchlines of Sections.

The catchlines of sections of this Code printed in boldface type, italics or otherwise, are intended merely as catchwords 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 catchlines, are amended or re-enacted.

Sec. 1-4. 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.

Sec. 1-5. Severability of Parts of Code.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause sentence, paragraph 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 and sections of this Code.

Sec. 1-6. Amendments to Code; Effect of New Ordinances; Amendatory Language.

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 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.

Amendments 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: "Section _____ of the Code of Ordinances of the City of Searcy, Arkansas, 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: "The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding a section (or article or chapter) to the numbered _____, which said section (or article or chapter) reads as follows:..." The new provisions shall then be set out in full.

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be. The failure to utilize the precise language of this Section in amending or adding to this Code shall not invalidate any such amendment or addition.

Sec. 1-7. 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 Searcy, Arkansas, to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-8 hereof.

Sec. 1-8. General Penalty; Continued Violations.

Whenever in this Code or Ordinances, the doing of any act or the omission to do any act or duty, is declared unlawful, and further, if the act is continuous, and 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 less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and if the act is continuous, in any sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each day of continuance.

Sec. 1-9. Fine May Be Paid By Work; When; Procedure.

Fines imposed for violation of Ordinances of the City may be discharged by the offender working out the same upon the streets, alleys, or other improvements of the City under the direction of the Chief of Police or such person or persons as the Mayor may direct and under sufficient guards; and only prisoners confined in the County jail by sentence of the Municipal Court may be taken out and required to work out the amount of all fines, penalties, forfeitures and costs imposed on him in the Municipal Court, at the rate per day as prescribed by section 1-12, on the streets or other improvements under control of the City Council, and when any such person shall be allowed or taken out to work as above provided, an accurate account shall be kept by the Chief of Police of the names

of all such persons, and the number of days worked by each, and each shall have his discharge when by his number of days worked he shall become entitled thereto.

Sec. 1-10. Imprisonment Upon Failure to Pay Fine.

Whenever any fine is imposed on any person, upon conviction before the Municipal Judge or, upon appeal before the Circuit Judge, for a violation of any of the City Ordinances, and such fine, together with the costs of prosecution, is not paid, the person so convicted and fined shall, by order of the Municipal Judge and process issued for that purpose, be committed to jail until such fines and costs are paid, or the party is otherwise discharged by due process of law.

Sec. 1-11. Same--Daily Credit.

Any person thus committed for failure to pay a fine and costs shall be entitled to a credit thereon of ten dollars (\$10.00) for each full day that he is imprisoned in the County jail.

Sec. 1-12. Same--Work Upon City Street, Etc.

Any person thus committed to the County jail for failure to pay such a fine and costs may be required by the Chief of Police of the City of Searcy to work upon the streets and upon the other improvements under the control of the City. Such a person required to work shall be entitled to a credit upon his fine and costs of ten dollars (\$10.00) for each full day that he does work.

Sec. 1-13. Same--Same--Physical Disability.

If a prisoner committed to the County jail for failure to pay his fine and costs reports that he is unable, because of physical disability or illness, to work upon the streets or other improvements, the Chief of Police may submit such a prisoner to a physical examination by a physician of his choice. In the event the chosen physician reports that the prisoner is physically unable to perform such labor then he shall not be required to work upon the streets or other public improvements during the continuance of such illness or disability.

CHAPTER 1	1-1
GENERAL PROVISIONS	1-1
Sec. 1-1. How Code Designated and Cited	1-1
Sec. 1-2. Rules of Construction	1-1
Sec. 1-3. Catchlines of Sections	1-2
Sec. 1-4. Effect of Repeal of Ordinances	1-2
Sec. 1-5. Severability of Parts of Code	1-2
Sec. 1-6. Amendments to Code; Effect of New Ordinances; Amendatory Language	1-2
Sec. 1-7. Altering Code	1-3
Sec. 1-8. General Penalty; Continued Violations	1-3
Sec. 1-9. Fine May Be Paid By Work; When; Procedure	1-3
Sec. 1-10. Imprisonment Upon Failure to Pay Fine	1-4
Sec. 1-11. Same--Daily Credit	1-4
Sec. 1-12. Same--Work Upon City Street, Etc	1-4
Sec. 1-13. Same--Same--Physical Disability	1-4