

ORDINANCE NO. 86-19

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF FORT SMITH ARKANSAS; PROVIDING FOR THE AMENDMENT OF SECTION 22-170 OF THE CODE 2019; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE**

---

**WHEREAS**, the Board of Directors adopted the Fort Smith Municipal Code (Code 1992) per Ordinance No. 15-92, adopted on March 3, 1992; and,

**WHEREAS**, numerous amendments to the Fort Smith Municipal Code have been adopted since March 3, 1992, and all such amendments have been codified through Ordinance No. 73-18, adopted on September 4, 2018, as codified through Supplement No. 33 of the Fort Smith Municipal Code (Code 1992); and,

**WHEREAS**, ordinances adopted after Ordinance No. 73-18 through Ordinance No. 24-19, adopted on April 2, 2019, are included in the Fort Smith Municipal Code (Code 2019); and,

**WHEREAS**, three (3) copies of the Fort Smith Municipal Code (Code 2019) have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to passage of this ordinance; and,

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH ARKANSAS, THAT:**

Section 1. The Fort Smith Municipal Code (Code 1992) is hereby repealed, and the Fort Smith Municipal Code (Code 2019), published by Municipal Code Corporation, consisting of Chapters 1 through 27, each inclusive, is adopted.

Section 2. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine: (i) Not exceeding \$1,000.00 for the first offense or violation; (ii) Not exceeding \$2,000.00 for the second offense or violation; (iii) Not exceeding \$4,000.00 for each subsequent offense or violation. 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 \$500.00 for each day that the same is unlawfully continued. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 3. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 4. Ordinances adopted after April 2, 2019 that amend or refer to ordinances that have been codified in the Code (Code 2019) shall be construed as if they amend or refer to like provisions of the said Code.

Section 5: Section 22-170 of the Fort Smith Municipal Code is amended to read as follows:

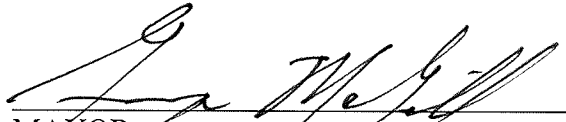
Sec. 22-170. - Applicability of regulations to Phoenix Avenue construction.

"Phoenix Avenue (Old Greenwood Road to Rogers Avenue)" is hereby certified to be subject to street construction driveway and access regulations. The identification list and map depiction filed with the city clerk and identified for the project - "Phoenix Avenue (Old Greenwood Road to Rogers Avenue)" are hereby expressly approved, and the provisions of Section 22-167 above are made applicable to the tracts of real property identified therein.


Section 6. Emergency Clause. It is hereby found and determined that adoption of the Fort Smith Municipal Code (Code 2019) is necessary to prevent any lapse in regulation included within the current Fort Smith Municipal Code (Code 1992), and to ensure the health, safety, and welfare of the inhabitants of the city. Therefore, an emergency is declared and the Fort Smith Municipal Code (Code 2019) is hereby made effective as of the date of this Ordinance.

PASSED and APPROVED this 15<sup>th</sup> day of October, 2019.

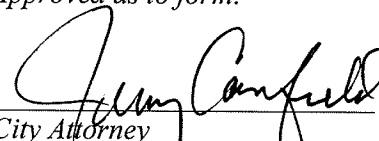
APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

Approved as to form:

  
City Attorney  
Publish one time