

ORDINANCE NO. 2016-6

AN ORDINANCE FIXING THE PERIOD WITHIN WHICH REFERENDUM PETITIONS MAY BE FILED; PRESCRIBING OTHER MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City Council of the City of Pottsville, Arkansas:

Section 1. That all referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the City Clerk within thirty (30) days after the passage of any ordinance or resolution.

Section 2. That upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the City of Pottsville, Arkansas (the "City"), and by posting in five public places in the City of a time not less than five days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Circuit Court of Pope County, Arkansas within thirty days to review its action.

Section 3. That if the Council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the City and by posting in five public places in the City not less than five days prior to the date of the election. Such notice shall designate by its number, caption and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election.

Section 4. That if any ordinance or resolution referred to the people is defeated at the polls, the Council shall make note of such fact and shall expunge the ordinance or resolution from its files by erasing the same with red ink.

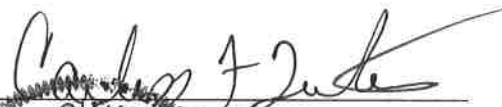
Section 5. That if any provision of this ordinance is held to be void, it shall not affect the validity of the remainder of the ordinance and the remainder shall stand.


Section 6. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That the Council hereby ascertains and declares that uncertainty exists exists with respect to the time within which and the manner in which the right of referendum may be may be exercised by the electors of the City and in regard to the time when ordinances and resolutions of the City which affect the public welfare become effective. It is, therefore, declared declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in force immediately from and after its passage.

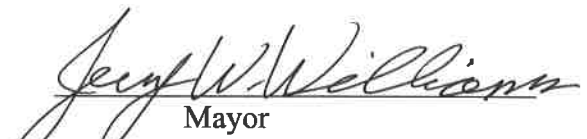
PASSED: July 25, 2016.

ATTEST:



CITY Clerk


APPROVED:



Mayor

CERTIFICATE

The undersigned, City Clerk of the City of Pottsville, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 2016-6, adopted at a regular session of the City Council, held at the regular meeting place in the City at 7 o'clock p.m., on the 25 day of July, 2016, and that said Ordinance is of record in the Ordinance Record Book of the City, now in my possession.

GIVEN under my hand and seal on this 25 day of July, 2016.

Carlson F. Zuts
City Clerk

