

Prepared by:  
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## **ORDINANCE NO. 2020-4**

### **AN ORDINANCE AMENDING TITLES 1, 2, AND 3 OF THE POTTSVILLE MUNICIPAL CODE FOR THE CITY OF POTTSVILLE ARKANSAS; AND, FOR OTHER PURPOSES**

**WHEREAS**, there is a proposed amendment to Title 1, Title 2, and Title 3, of the Pottsville Municipal Code which covers "General Provisions," "Classification, Administration, and Personnel," and "Fiscal Affairs;"

**WHEREAS**, the proposed amendment is attached to this Ordinance as "Exhibit A" and is incorporated in this Ordinance by reference; and

**WHEREAS**, the City Council has determined to approve the amendment in "Exhibit A," and amend Title 1, Title 2, and Title 3 of the Pottsville Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF POTTSVILLE, ARKANSAS:**

**SECTION 1:** Title 1, Title 2, and Title 3 of the Pottsville Municipal Code for the City of Pottsville, Arkansas is hereby amended to incorporate the amendments which are attached to this Ordinance as "Exhibit A" and incorporated herein by reference.

**SECTION 2:** Title 1, Title 2, and Title 3 of the Pottsville Municipal Code for the City of Pottsville, Arkansas shall be amended only to the extent necessary to incorporate the attached amendment into the current Pottsville Municipal Code.

**SECTION 3:** In exercising the authority to codify the amendment attached as "Exhibit A," the City Council makes the following changes to the amendment attached as "Exhibit A" to:

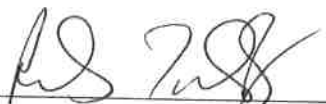
- (a) Correct the spelling of words;
- (b) Change capitalization for the purpose of uniformity;
- (c) Correct manifest typographical and grammatical errors;
- (d) Correct manifest errors in references to laws, ordinances, and other documents;
- (e) Correct manifest errors in internal reference numbers, letters, and sections;
- (f) Correct punctuation;
- (g) Add provisions to reflect current ordinance; and
- (h) Remove provisions that have been revoked by ordinance.

**SECTION 4:** Any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:** If any provision of this ordinance or the application thereof to any person or circumstances is declared to be invalid, such invalidity shall not affect the other provisions or applications of the ordinance which may be given effect without the invalid provision(s) or application(s), and to this end the provisions of this ordinance are declared severable.

**SECTION 6: EMERGENCY CLAUSE:** In order to correct errors in Title 1, Title 2, and Title 3 in the Pottsville Municipal Code for the City of Pottsville and to provide accurate information to the citizens and accurately apply the ordinances as intended and in turn protect the health, safety, and welfare of the City and residents of the City of Pottsville, Arkansas, an emergency is declared to exist and this Ordinance shall go into effect immediately upon and after passage by the City Council.

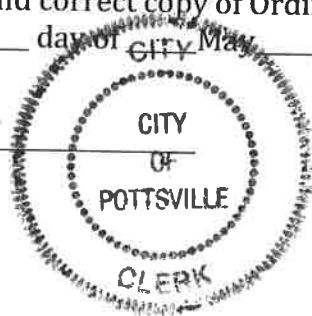
PASSED AND APPROVED THIS 18 day of MAY 2020.

  
\_\_\_\_\_  
RANDY TANKERSLEY, MAYOR

ATTEST:

I, Holly Fowler, City Clerk of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2020-4 passed by the Pottsville City Council on the 18<sup>th</sup> day of MAY 2020.

  
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HOLLY FOWLER



## **EXHIBIT A**

1. Chapter 1.04, Section 1.04.01: The citation "STATE LAW REFERENCE-See Ark. Stats 19-2424, et. seq. Hdbk. Sec. 5-1.12 et. seq." shall be removed.
2. Chapter 1.08, Section 1.08.01: The following paragraph shall be removed: "REFERENCES: STATE LAW REFERENCE: Ark. Stat. refers to the official Arkansas Statutes which are the laws passed by the General Assembly of the State of Arkansas. HDBK. Sec. refers to the Handbook for Arkansas Municipal Officials published by the Arkansas Municipal League which in most instances is a verbatim copy of the state law section."
3. The following subsection shall be added to Page -1-: "Section: 1.08.02: DEFINITIONS" prior to the list of terms to be defined starting with the term "CITY" on page -2-.
4. The page number -3- shall be moved from the top of page -4- to the bottom of page -3-.
5. Chapter 1.32, Section 1.32.01 General Penalty: This Section shall be amended to read as follows: "Chapter 1.32, Section 1.32.01 General Penalty: Whenever in this Municipal Code, the doing of any act or the omission to do any act or duty, is declared unlawful, and further, 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 more than One Thousand Dollars (\$1,000.00) and if the act is continuous, not more than Five Hundred Dollars (\$500.00) for each day of continuance. Provided, for any offense committed against the code, for which there is set forth by state law a similar offense, the penalty therefor shall be no less nor greater than that set forth by state law.
6. Chapter 1.32, Section 1.32.01: The citation "STATE LAW REFERENCE-See Ark. Stats 19-2409, 19-2411; Hdbk. Sec. 5-2.9-5-2.11" shall be removed.
7. Chapter 1.36, Section 1.36.04: The citation "STATE LAW REFERENCE-See Const. Amend. No. 7, and Ark. Stats. 17-4003.1, 19-2428-19-2430; Hdbk. 5-4.1-5-4.12." shall be removed.
8. Title 2 Chapter Index shall be changed from "2.28 Recorder/Treasurer" to "2.28 City Clerk/Treasurer."
9. Chapter 2.04, Section 2.04.01: The citation "STATE LAW REFERENCE-A.C.A. 14-37-103" shall be removed.
10. Chapter 2.08 Section 2.08.01 This Section shall be amended to read as follows: "Chapter 2.08 Section 2.08.01: The boundaries and limits of the city and of the various wards shall be as set forth and described on the official map of the city on file in the office of the City Clerk/Treasurer."
11. Chapter 2.08 Section 2.08.01: The citation "STATE LAW REFERENCE-A.C.A. 14-40-203" shall be removed.

12. Chapter 2.12, Section 2.12.01: This Section shall be amended to read as follows: "Chapter 2.12, Section 2.12.01: The Mayor and City Clerk/Treasurer are hereby authorized and directed to enter into an agreement with the State for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the Federal Social Security Act.
13. Chapter 2.16, Sections 2.16.01-2.16.04: Chapter 2.16 shall be removed in its entirety.
14. Chapter 2.20, Section 2.20.01: This Section shall be amended to read as follows: "Chapter 2.20, Section 2.20.01 Council Meetings-regular: "The city of Pottsville shall hold City Council meetings at 6:30p.m. on the fourth Monday of each month. The City Council by majority vote may reschedule or cancel such meetings as it deems necessary on a meeting by meeting basis. In the event the fourth Monday falls on a holiday or some other special occasion, the Mayor shall notify the City Council and proper authorities of the change in the time and manner prescribed by law. (Ord. No. 2020-1)
15. Chapter 2.20 Section 2.20.02: The citations "STATE LAW REFERENCE-A.C.A. 14-43-301" and "(Ord. No. 92-2, Sec. 2)" shall be removed, and the citation (Ord. No. 2020-1) shall be added.
16. Chapter 2.20, Section 2.20.04: This Section shall be amended to read as follows:  
"Chapter 2.20, Section 2.20.04 Order of Business: At all meetings of the City Council, the following shall be the order of business unless the Council by a majority vote shall order otherwise:
- A. Call to Order
  - B. Pledge
  - C. Prayer
  - D. Roll call
  - E. Approval of minutes of the previous meeting(s)
  - F. Report of Department Heads and Standing Committees
  - G. Old Business
  - H. New Business
  - I. Council Requests or Comments
  - J. Mayor's Comments or Presentations
  - K. Public Comment
  - L. Adjournment"
17. Chapter 2.24 Section 2.24.01: The citation "STATE LAW REFERENCE-A.C.A. 14-42-102" shall be removed.
18. Chapter 2.24, Section 2.24.02: This Section shall be amended to read as follows: "Chapter 2.24, Section 2.24.02 Election: "On the Tuesday following the first Monday in November 1970, and every four (4) years thereafter, the qualified voters of the city of Pottsville, Arkansas, shall elect a Mayor for four (4) years."

19. Chapter 2.24, Section 2.24.04: This Section shall be amended to read as follows: "Chapter 2.24, Section 2.24.04 Appointment of Officers: "The Mayor shall appoint Department Heads of the City whose election or appointment is not provided for by state statutes or city ordinances."
20. Chapter 2.24, Section 2.24.05: This Section shall be amended to read as follows: "Chapter 2.24, Section 2.24.05 Salary: The position of Mayor for the 2019-2022 term shall be a full-time position beginning January 1, 2020. The pay scale for a full-time Mayor shall be \$45,000.00-\$55,000.00, with the City Council establishing the exact salary to be paid to the Mayor each budgetary year based upon, but not limited to, the following considerations: the Mayor's experience in office, the current and future needs of the city, ongoing and upcoming projects of the city, and the fiscal needs of the city. The mayoral position shall revert to part-time for the following 2023-2027 term and all terms thereafter, unless otherwise specified by the City Council by majority vote. The salary for Mayor shall automatically revert to a base salary of \$27,000.00 per year beginning January 1, 2023 for the 2023-2027 term and each term thereafter unless otherwise specified by the City Council by majority vote prior to the date the filing period for the mayoral position closes. However, the exact salary to be paid to the Mayor each budgetary year shall be based upon, but not limited to, the following considerations: the Mayor's experience in office, the current and future needs of the city, ongoing and upcoming projects of the city, and the fiscal needs of the city. The Mayor shall be paid bi-monthly on the same schedule as other elected municipal officials and city employees." (Ord. No. 2019-7)
21. Chapter 2.24, Section 2.24.06: This Section shall be added and shall read as follows: "Chapter 2.24, Section 2.24.06 Mayor's hours: A full-time Mayor shall be entitled to two (2) weeks of vacation time per year. A full-time Mayor shall maintain regular business hours, Monday through Friday, conducting city business. Allowances are expected to be made for official city business taking place outside of the office, lunch breaks, errands, and periods of necessary leave. Generally, the Mayor must make considerable effort to be available for the public during normal business hours. The Mayor shall not engage in any non-city employment during regular business hours." (Ordinance No. 2019-7)
22. Chapter 2.28, Section 2.28.01: This Section shall be amended to read as follows: "Chapter 2.28, Section 2.28.01 Office Created: The office of City Clerk/Treasurer is hereby created. The duties of this office shall be fixed by the laws of the State of Arkansas and Ordinances of the City for city clerks and city treasurers."
23. Chapter 2.28, Section 2.28.02: This Section shall be amended to read as follows: "Chapter 2.28, Section 2.28.02 Duties: The City Clerk/Treasurer shall be responsible for the duties of his or her position as set out in the applicable law of the State of Arkansas and city ordinances. (Ord. No. 2020-2)
24. Chapter 2.28, Section 2.28.03: This Section shall be amended to read as follows: "Chapter 2.28, Section 2.28.03 Salary: Beginning January 1, 2020, the salary of the City Clerk/Treasurer shall be \$15,000.00." (Ord. No. 2020-3)

25. The Section Index for Chapter 2.36 on Page 17 shall be amended to add "2.36.10 Outside Fire Service".

26. Chapter 2.36, Section 2.36.01: The subsection 2.36.01 and corresponding heading of "Title and Objectives" shall be underlined and appear as follows: 2.36.01 Title and Objectives

27. Chapter 2.36, Section 2.36.01: The "**Section**" headings listed under Chapter 2.36, Section 2.36.01 Title and Objectives shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.

Section 2 shall be changed to B.

Section 3 shall be changed to C.

28. Chapter 2.36, Section 2.36.02: The heading shall be underlined to read "2.36.02 Membership" and the "**Section**" headings listed under Section 2.36.02 Membership shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.

Section 2 shall be changed to B.

Section 3 shall be changed to C.

Section 4 shall be changed to D.

Section 5 shall be changed to E.

Section 6 shall be changed to F.

Section 7 shall be changed to G.

29. Chapter 2.36, Section 2.36.02 Membership, F: The last sentence of this section shall be amended to read as follows: "The extension will be voted on by the officers of the department by majority vote."

30. Chapter 2.36, Section 2.36.03: The heading shall be underlined to read "2.36.03 Organization and Election of Officers" and the "**Section**" headings listed under 2.36.03 Organization and Election of Officers shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.

Section 2 shall be changed to B.

31. Chapter 2.36, Section 2.36.04: The heading shall be underlined to read "2.36.04 Duties of the Chief" and the "**Section**" headings listed under Section 2.36.04 Duties of Chief shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.  
Section 2 shall be changed to B.  
Section 3 shall be changed to C.  
Section 4 shall be changed to D.  
Section 5 shall be changed to E.

32. Chapter 2.36, Section 2.36.05: The heading shall be underlined to read "2.36.05 Duties of the Assistant Chief" and the "**Section**" headings listed under Section 2.36.05 Duties of the Assistant Chief shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.  
Section 2 shall be changed to B.  
Section 3 shall be changed to C.  
Section 4 shall be changed to D.

33. The heading "**Article 6. Duties of the Officers**" shall be amended to read "2.36.06 Duties of the Officers" and the "**Section**" headings listed under Section 2.36.06 Duties of the Officers shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.  
Section 2 shall be changed to B.  
Section 3 shall be changed to C.  
Section 4 shall be changed to D.  
Section 5 shall be changed to E.  
Section 6 shall be changed to F.

34. The heading "**Article 7. Duties of the Marshal**" shall be amended to read "2.36.07 Duties of the Marshal" and the "**Section**" headings listed under Section 2.36.07 Duties of the Marshal shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.  
Section 2 shall be changed to B.  
Section 3 shall be changed to C.  
Section 4 shall be changed to D.

35. The heading "**Article 8. Fire Personnel**" shall be amended to read "2.36.08 Fire Personnel" and the "**Section**" headings listed under Section 2.36.08 Fire Personnel shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.

Section 2 shall be changed to B.  
Section 3 shall be changed to C.  
Section 4 shall be changed to D.  
Section 5 shall be changed to E.  
Section 6 shall be changed to F.  
Section 7 shall be changed to G.  
Section 8 shall be changed to H.  
Section 9 shall be changed to I.  
Section 10 shall be changed to J.  
Section 11 shall be changed to K.

36. Section 2.36.08 Fire Personnel, B shall be amended so that the 7<sup>th</sup> sentence in that paragraph is reads "The driver is responsible for the operations of the truck he is driving and is the pump operator." All remaining sentences in that subsection shall remain the same.

37. Section 2.36.08 Fire Personnel, D shall be amended so that the first paragraph reads as follows: "No fire personnel shall be excused from attending a regular or special meeting (including training and drills) except on grounds of absence from town, sickness, or absolute necessity." All remaining sentences in that subsection shall remain the same.

38. Section 2.36.08 Fire Personnel, G shall be amended to read as follows: "Any fire personnel of the department who fails to perform the duties and requirements as outlined in Section 2.36.06 of this document shall be brought before the disciplinary committee composed of officers of the department and one member of the department, which shall determine whether to bring dismissal charges or take other action.

39. The heading "**Article 9. Amendment of the By-Laws**" shall be amended to read "2.36.09 Amendment of the By-Laws" and the "**Section**" headings listed under Section 2.36.09 Amendment of the By-Laws shall be amended to eliminate the word "section" and shall be listed alphabetically rather than numerically as follows:

Section 1 shall be changed to A.

40. Chapter 2.36.07 Outside Fire Service, appearing on Page 18, shall be amended to read "Chapter 2.36.10 Outside Fire Service".

41. Chapter 2.40 Section 2.40.03: The citation "STATE LAW REFERENCE-A.C.A. 14-44-111, 14-51-101 et. seq., 14-52-101 et. seq." shall be removed.

42. Chapter 2.40, Section 2.40.04: This Section shall be amended to read as follows: "Chapter 2.40, Section 2.40.04 Duties B: It shall be their duty to: 1) Suppress all riots, disturbances, breaches of the peace, enforce the ordinances of the municipality and Arkansas State laws and 2) To pursue and arrest any person fleeing from justice in any part of this state and those other duties as defined by Arkansas State law." (Ord. No. 96-3, Sec. 1.)



43. Chapter 3.16, Section 3.16.01: This Section shall be amended to read as follows:

3.16.01 Waived

A. The City waives competitive bidding on road work, more specifically chip and seal, and gives permission to the Mayor to use the county bid price and to allow the County Judge to bill the city of Pottsville for that work. (Ord. No. 2016-5)

B. The City Council of Pottsville, Arkansas hereby finds that an immediate need exists to purchased self-contained breathing apparatus units for the Pottsville Fire Department and to waive the state law bid requirement for goods, services, or equipment in excess of \$20,000.00. (Ord. No. 2019-3)