

**AN ORDINANCE ESTABLISHING
PROCEDURES FOR ORDINANCE ENFORCEMENT.**

WHEREAS, it is the desire of the Town of Avoca, Arkansas to adopt procedures for the enforcement 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) In this Ordinance the term "Code Enforcement Officer" means any of the following persons:
- (1) An individual or agency employed by the Town whose duties include investigating and enforcing potential Ordinance Violations;
 - (2) An individual contracted by the Town to investigate and enforce potential Ordinance Violations;
 - (3) Any member of a law enforcement agency if such member or agency has been contracted by the Town to investigate and enforce potential Ordinance Violations; or
 - (4) Any member of a law enforcement agency with jurisdiction throughout Benton County, Arkansas.
- (c) A Code Enforcement Officer shall be qualified by knowledge of the Town's Ordinances, training, and experience. Certified law enforcement officers with jurisdiction throughout Benton County, Arkansas are deemed to be qualified.

(d) A Code Enforcement Officer shall have the power to issue citations to a person allegedly responsible for any Ordinance Violation. The Citation shall notify the alleged violator to appear and to answer to the charges in a District Court of Competent jurisdiction at a specified time. Citations shall be for Ordinance Violations only.

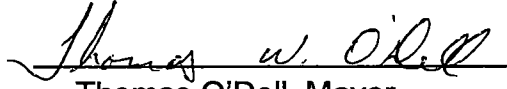
(e) The Town Attorney shall have the power to issue an Information against a party allegedly responsible for any Ordinance Violation. The Information shall notify the alleged violator to appear and to answer to the charges in a District Court of Competent jurisdiction at a specified time. Informations shall be for Ordinance Violations only.

(f) A Citation or Information may be served personally or, except for moving traffic violations, by sending the Citation or Information to that person's last known place of residence by certified mail, return receipt requested, and delivery restricted to the addressee.


(g) In the event the Citation or Information includes information and is sworn to as required under the general laws of Arkansas, then such Citation or Information, when filed with the district Court, shall be deemed to be a lawful complaint for the purpose of prosecution.

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
L201807958 2/15/2018 11:10:21 AM
Brenda DeShields, Circuit Clerk
BENTON CO, AR FEE \$20.00