

ORDINANCE NO. 2005 03

**AN ORDINANCE TO REPEAL ORDINANCE NO. 5 REGARDING
DISTURBING THE PUBLIC PEACE AND DECLARING AN
EMERGENCY**

WHEREAS, The Clinton City Council, on April 19, 1938, passed Ordinance No. 5 which prohibited Disturbing the Public Peace; and,

WHEREAS, Ordinance No. 5, although having never been enforced, is an unconstitutional city enactment in that it creates a misdemeanor with possible imprisonment if convicted which is outside the authority granted to cities by the State of Arkansas and its Constitution; and,

WHEREAS, the current City Council of the City of Clinton desires that all of the Ordinances of the City be constitutional and enforceable;

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

Section 1. Ordinance No. 5 is hereby repealed in its entirety.

Section 2. The legality of its Ordinances is essential to the effective administration of the City of Clinton, therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED: January 20, 2005

APPROVED:

Chip Ellis
Chip Ellis, Mayor

ATTEST: Merl Eoff
Merl Eoff, City Clerk

APPROVED AS TO LEGAL FORM:

Brad A. Cazort
Brad A. Cazort, City Attorney