

**ORDINANCE NO. 2005-05**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 23 REGARDING DRINKING AND PUBLIC DRUNKENNESS AND DECLARING AN EMERGENCY**

**WHEREAS**, The Clinton City Council, on an unknown date, passed Ordinance No. 23 which prohibited Drinking and Public Drunkenness; and,

**WHEREAS**, Ordinance No. 23, 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**Section 1.** Ordinance No. 23 is hereby repealed in its entirety.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