Town of Alpena
PO Box 128
Alpena, AR 72611
(870) 437-2272

ORDINANCE NO. 2026-12

AN ORDINANCE ESTABLISHING A GENERAL MUNICIPAL PENALTY FOR VIOLATIONS OF TOWN ORDINANCES WHEN A DIFFERENT PENALTY IS NOT SPECIFICALLY PROVIDED; PROVIDING FOR CONTINUING VIOLATIONS, ENFORCEMENT, SEVERABILITY, REPEALER, AND AN EMERGENCY CLAUSE

WHEREAS, A.C.A. § 14-55-601 authorizes municipal ordinances to be enforced by fines, forfeitures, and penalties and expressly permits those penalties to be prescribed by a general ordinance;

WHEREAS, A.C.A. § 14-55-504 establishes maximum municipal penalties, and the Town Council desires one uniform general penalty ordinance that may be amended without revising each substantive ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPENA, ARKANSAS:

SECTION 1. GENERAL PENALTY.

A. Unless a Town ordinance provides a different lawful penalty, any person who violates a Town ordinance, or who fails to comply with a lawful order issued under authority of a Town ordinance, commits a municipal offense and, upon conviction, may be fined not more than Three Hundred Dollars ($300.00) for the offense.

B. When prohibited or unlawful conditions are continuous in nature, each day or portion of a day that the violation continues after expiration of any applicable correction period may constitute a separate offense, punishable by a fine not exceeding Two Hundred Dollars ($200.00) per day.

C. The penalties established by this Ordinance are below the maximum amounts authorized by A.C.A. § 14-55-504. No fine imposed under this Ordinance shall exceed the maximum amount permitted by Arkansas law; if controlling law establishes a lower maximum, the lower lawful maximum controls.

SECTION 2. SPECIFIC PENALTIES CONTROL.

If another Town ordinance lawfully establishes a specific penalty for a particular violation, that specific penalty controls over this general penalty. This Ordinance supplies the penalty only when the substantive ordinance does not state a different lawful penalty. Ordinance No. 2026-11, Section 9(D), expressly makes violations of that ordinance and lawful orders issued under it subject to this General Municipal Penalty Ordinance.

SECTION 3. ENFORCEMENT AND CONTINUING COMPLIANCE.

A. A citation, prosecution, conviction, payment of a fine, or other enforcement action does not authorize a violation to continue and does not prevent the Town from using any other lawful remedy available to obtain compliance.

B. Notices, citations, summonses, warrants, and other enforcement process may be served or issued by any method authorized by Arkansas law. Certified-mail service may be used when authorized by A.C.A. § 14-55-601(c).

C. For enforcement arising under Ordinance No. 2026-11 and resolutions or administrative measures adopted pursuant to it, the Council designates the Mayor, or the Mayor's designee, as the Town enforcement officer. The enforcement officer may investigate and document violations; issue notices, administrative orders, and citations when authorized by law; and refer matters for prosecution, injunction, collection, or other lawful remedy. Nothing in this Ordinance authorizes the enforcement officer to adjudicate an offense or impose a court fine.

SECTION 4. SEVERABILITY AND REPEALER.

A. If any provision or application of this Ordinance is held invalid, the remaining provisions and lawful applications remain in effect.

B. All ordinances or parts of ordinances in direct conflict with this Ordinance are repealed to the extent of the conflict. Existing specific penalty provisions remain effective unless separately repealed or amended.

SECTION 5. EMERGENCY CLAUSE.

The Council finds that a uniform and immediately identifiable penalty structure is necessary for consistent enforcement of Town ordinances and protection of the public peace, health, safety, and welfare. An emergency is declared, and this Ordinance shall take effect immediately upon passage and approval, subject to applicable publication or posting requirements before enforcement of penal provisions.

Date: 10/05/2026

Approved: _____ Attest: _____

Mayor David C. Meyer

Recorder/Treasurer Ali Grant

ROLL CALL VOTE:

Yea/Aye	Nay/No	Alderman
✓		Ottis Morse
✓		Chris Massengale
✓		Bonnie Morton

Yea/Aye	Nay/No	Alderman
		Kelly Pouncil
✓		Jeff Battenfield

✓ PASSED AND ADOPTED _____ MOTION FAILED

EMERGENCY CLAUSE ROLL CALL VOTE

Date: 10/05/2026

Approved: _____ Attest: _____

Mayor David C. Meyer

Recorder/Treasurer Ali Grant

ROLL CALL VOTE:

Yea/Aye	Nay/No	Alderman
✓		Ottis Morse
✓		Chris Massengale
✓		Bonnie Morton

Yea/Aye	Nay/No	Alderman
		Kelly Pouncil
✓		Jeff Battenfield

✓ PASSED AND ADOPTED _____ MOTION FAILED