

ORDINANCE NO. 97-2

AN ORDINANCE FIXING THE PERIOD WITHIN WHICH REFERENDUM PETITIONS MAY BE FILED; PRESCRIBING OTHER MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Town Council of the Town of Cherokee Village West, Arkansas:

Section 1. That all referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Recorder within thirty (30) days after the passage of any ordinance or resolution.

Section 2. That upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication by one insertion in a newspaper having a general circulation in the Town of Cherokee Village West, Arkansas, and by posting in five (5) public places in the Town of Cherokee Village West, Arkansas of a time not less than five (5) days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question, and its decision shall be final unless suit is brought in the Court having jurisdiction of such matters within thirty (30) days to review its action, or enjoin its action.

Section 3. That if the Council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the Town of Cherokee Village West, Arkansas and by posting in five (5) public places in the Town of Cherokee Village West not less than five (5) days prior to the date of the election. Such notice shall designate

by its number, caption, and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election.

Section 4. That if any ordinance or resolution referred to the people is defeated at the polls, the Council shall make note of such fact and shall expunge the ordinance or resolution from its files by interlining or striking through same with red ink, and noting the action of the people pursuant to Amendment 7 to the Arkansas Constitution.

Section 5. That if any provision of this ordinance is held to be void, it shall not affect the validity of the remainder of the ordinance and the remainder shall stand.

Section 6. That the Council hereby ascertains and declares that uncertainty exists with respect to the time within which and the manner in which the right of referendum may be exercised by the electors of the Town of Cherokee Village West, Arkansas and in regard to the time when ordinances and resolutions of the Town of Cherokee Village West, Arkansas which affect the public welfare become effective; and because of the many ordinances which must be adopted to complete its organization, and still give its citizens all rights provided by the Arkansas Constitution, this ordinance should be passed. IT IS, THEREFORE, declared that an emergency exists and this ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in force immediately from and after its passage.

DATED: December 15, 1997

APPROVED: Marjorie Rogers
Marjorie Rogers, Mayor

ATTEST: Susan Maynard
Susan Maynard, Recorder