

GOVERNING BODIES

When does an ordinance without an emergency clause go into effect?

An ordinance with an emergency clause goes into effect immediately upon its passage. When an ordinance is passed without an emergency clause, then it will go into effect after the last day allowed for the filing of a referendum petition on the ordinance.

The time allowed for filing a referendum petition on a municipal ordinance is customarily set by a city ordinance and can be not less than 30 days nor more than 90 days after the passage of any ordinance. If the city does not have an ordinance setting the time limit for filing a referendum petition, any ordinance passed without an emergency clause will go into effect after 90 days is allowed for filing a referendum petition, or on the 91st day. Ark. Const. amend. 7; Act 1187 of 2001 (amending 14-55-203); Clark v. Mahan, 268 Ark. 37, 594 S.W.2d 7 (1980); Paving Dist. No. 36 v. Little, 170 Ark. 1160, 282 S.W. 971 (1926).