

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Prohibited Weapons
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted.

- A. Each and every act, matter or thing which the laws of the state of Arkansas make misdemeanors or violations is hereby prohibited within the corporate limits of the city and made unlawful under this ordinance.
- B. The criminal laws of the state of Arkansas, as now exist and as hereafter may be provided, insofar as same may make any act, matter or thing a misdemeanor or

violation, are hereby adopted and incorporated into the Criminal Code of the ordinances of the city.

STATE LAW REFERENCE-See Hdbk. 5-2.10

7.04.02 State penalties adopted. Each and every person who shall, within the corporate limits of the city, violate any of the provisions of the laws into this ordinance incorporated and adopted shall on conviction thereof be punished by fine or imprisonment or both as the case may, together with the costs of the proceeding of not less than the minimum nor more than the maximum penalty as prescribed by the corresponding State Law in such cases make and provide; which penalty shall be enforced in the manner now prescribed by the law for the enforcement and collection of fines, forfeitures and penalties.

STATE LAW REFERENCE-See Hdbk. 5-2.11

CHAPTER 7.08

CURFEW

Sections:

7.08.01	Findings and purpose
7.08.02	Definitions
7.08.03	Curfew for minors
7.08.04	Exceptions to curfew
7.08.05	Penalties
7.08.06	Penalties and law enforcement

7.08.01 Findings and purpose The City Council of the city of West Fork, Arkansas, finds that special circumstances exist within the city that call for special regulation of minors within the city in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease nocturnal crime rates. (Ord. No. 329, Sec. a.)

7.08.02 Definitions for purposes of this curfew ordinance, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them by this section:

City is the city of West fork, Arkansas.

Emancipated minor means a minor who no longer has a parent-child relationship as a result of marriage, or as a result of being recognized as an adult by order of a court of competent jurisdiction.

Legitimate parentally approved errand means a minor performing a necessary task at the direction of the minor's parent, and the non-performance of the errand, or delay of performance until after curfew hours have abated, would result in injury or undue hardship.

Minor is any un-emancipated or unmarried person under the age of 18 years of age.

Parent is any person having legal custody of a minor (i) as a natural parent, (ii) as an adoptive parent, (iii) as a legal guardian, (iv) as a person to whom legal custody has been given by order of the court.

Public places means a publically or privately owned place to which the public or substantial numbers of people have access. A public place does not include the residence of a minor, or the residence of a minor's parent, or a responsible adult.

Responsible adult means a person at least 21 years of age to whom a parent has expressly given permission to accompany a minor. (Ord. No. 329, Sec. b.)

7.08.03 Curfew for minors

- A. It shall be unlawful for any minor to be upon streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger in any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the following hours:
 - 1. On Sunday through Thursday evenings from 11:00 p.m. Through 5:00 a.m. (6 hours);
 - 2. On Friday and Saturday evenings beginning at midnight through 5:00 a.m. (5 hours).

- B. It shall be unlawful for any parent to permit a minor to be upon the streets, sidewalks, parks playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate, a vehicle in, upon, over or through the streets, or other public places in violation of Section (c) 1. above. The fact that a minor is in violation of the provisions of subsection (c) 1. hereinabove, without a defense as set forth in Section (d) 1. and (d) 2. below, shall create a rebuttable presumption that a parent is in violation of this subsection.

7.08.04 Exceptions to curfew

- A. Notwithstanding the provisions of Section (c) 1. and (c) 2 above, the Minor Curfew Ordinance does not apply:
 - 1. At any time a minor is accompanied by a parent, or by a responsible adult authorized by a parent to take the parent's place to accompany the minor for a designated period of time and purpose within a specified area.
 - 2. If the minor is employed, for a period of time 45 minutes after work provided that circumstances suggest the minor is returning from work to a place of residence.
 - 3. When a minor is returning home from an activity that is supervised by adults and sponsored by the city, a civic organization, a public or private school, or any entity that takes responsibility for the minor, provided that the activity has not concluded for more than 45 minutes.
 - 4. At any time the minor is on a legitimate parentally approved errand.

5. At any time the minor is on a trip in interstate commerce.
 6. At any time the minor is required to leave a residence because of an emergency.
 7. At any time the minor is engaged in an activity that is protected by the First Amendment to the United States constitution, or the freedom of speech, religion or expression provisions in Article II of the Arkansas Constitution.
- B. If a minor being questioned about the possible violation of the Curfew Ordinance provides a law enforcement officer with sufficient reason to believe that the minor is entitled to an exemption under Subsection (d) 1. above, the law enforcement officer shall take no enforcement action under this article, provided the officer may make a report of the minor's identity, the exemption claimed, and other necessary information to note the possible violation of this article. (Ord. No. 329, Sec. d.)

7.08.05 Penalties

- A. In the case of a first violation by a juvenile, the Department of Public Safety shall be certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation could result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and/or applicable penalties.
- B. If, after the warning notice pursuant to Section (e) 1 of a first violation by a juvenile, a second violation occurs by that juvenile the parent is in violation of this Section for neglecting their parental responsibilities in connection with this Ordinance, and this violation shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than \$100.00, nor more than \$500.00.
- C. Any juvenile who shall violate any of the provisions of the Curfew Ordinance more than three (3) times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision and the chief of Police shall refer the matter to the Washington County Prosecuting Attorney and/or the Arkansas Department of Human Services and/or other appropriate authorities. (Ord. No. 329, Sec. e.)

7.08.06 Penalties and law enforcement

- A. A parent or minor found to be in violation of this article shall be subject to the penalties provided in Section (e) 1 through (e) 3 above.
- B. At the discretion of the law enforcement officer, any minor receiving a citation for violation of the Minor curfew Ordinance may be released to immediately return home, may be escorted to their home, or may be taken into custody and delivered to an appropriate juvenile authority to be held until a parent can be located to take custody of the minor.
- C. Nothing in this section shall preclude a law enforcement officer from taking any or all appropriate actions for a minor's violation of any other local or state law. (Ord. No. 329, Sec. f.)

CHAPTER 7.12

PROHIBITED WEAPONS

Sections:

- 7.12.01 Unlawful to carry, exchange
- 7.12.02 Discharge of firearms
- 7.12.03 Penalty

7.12.01 Unlawful to carry, exchange. It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks or instruments to be used for a weapon within the corporate limits of the city.

7.12.02 Discharge of firearms.

1. It shall be unlawful for any person to discharge or cause to be discharged so as to cause damage or create the substantial likelihood of damage to real, personal, or public property any air rifle, spring gun, B-B gun, air gun, long bow or cross bow, or such other instrument emitting a dangerous projectile within the city limits of the City of West Fork, Arkansas.

2. It shall be unlawful for any person to discharge any pistol, rifle, gun be it center fire, rim fire or muzzle loading powder weapon within the city limits of the City of West fork, Arkansas.

This section shall not apply to any law enforcement officer in the discharge of his official duties.

This section shall not apply to the firing of rifles and pistols by members of an organized rifle or pistol club or association, provided the following conditions are met:

a. All firing of rifles and pistols shall be on a range designed for that purpose which facilities shall first be approved in writing by the Chief of Police.

b. one or more certified instructors, as may reasonably be necessary for safe operation of such range, shall be present at all times during operation of the range. Instructors shall be currently certified either by a branch of the Armed Forces of the United States or by a recognized accredited national rifle or pistol association.

c. Such organized rifle or pistol club or association shall keep and maintain at all time in full force and effect a policy of public liability insurance issued by an insurance company authorized to do business in the State of Arkansas, insuring against bodily injury, death and property damage in the minimum limits of Twenty Thousand Dollars (\$20,000.00) per person and Fifty Thousand Dollars (\$50,000.00) per occurrence for death and bodily injury and Ten Thousand dollars (\$10,000.00) for property damage. Current certificates of insurance evidencing such coverage will be provided to the Chief of Police.

d. The location and operation of such rifle or pistol ranges shall at all time be consistent with the zoning ordinances of the City of West Fork, Arkansas, and shall be conducted in such manner as to not constitute a disturbance of the public peace.

7.12.03 Penalty. Any person who shall violate or fail to comply with any provision of this chapter or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by fine not exceeding One Hundred Dollars (\$100.00) plus any damage resulting therefrom.

CHAPTER 7.16

CLAIMS AGAINST CITY

Sections:

- 7.16.01 Liability insurance
- 7.16.02 Settlement of claims

7.16.01 Liability insurance. The city shall carry liability insurance on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. (Hdbk. 8-5.3)

STATE LAW REFERENCE-See Hdbk. 8-5.3

7.16.02 Settlement of claims. All persons having claims against the city may file them with the Recorder/Treasurer. The Recorder/Treasurer shall present them to the Council. The council may grant a hearing for the claimant and may authorize a settlement.

STATE LAW REFERENCE-See Hdbk. 8-5.2

CHAPTER 7.20

LOITERING

Sections:

7.20.01	Illegal
7.20.02	Definitions
7.20.03	Penalty

7.20.01 Illegal. It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city.

7.20.02 Definitions.

- (1) A person commits the offense of loitering if he:
- (a) lingers, remains, or prowls in a public place or the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of person or property in the vicinity, and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
 - (b) lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
 - (c) lingers or remains in a public place or on the premises of another for the purpose of begging; or
 - (d) lingers or remains in a public place for the purpose of unlawfully gambling; or
 - (e) lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
 - (f) lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
 - (g) lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.

(2) Among the circumstances that may be considered in determining whether a person is loitering are that the person:

- (a) takes flight upon the appearance of a law enforcement officer; or
- (b) refuses to identify himself; or
- (c) manifestly endeavors to conceal himself or any object.

(3) Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection l(a) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

(4) It shall be a defense to a prosecution under subsection l(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

STATE LAW REFERENCE-see Ark. Stat. 41-2914

7.20.03 Penalty. As set out in Ark. Stat. 41-2914, loitering is a Class C misdemeanor punishable by a maximum fine of one Hundred (\$100.00) Dollars.

CHAPTER 7.24**STORAGE AND HANDLING OF VOLATILE COMBUSTIBLES**Sections:

- 7.24.01 Restriction on keeping
- 7.24.02 Volatiles never to be allowed to pass into drainage system
- 7.24.03 Penalty

7.24.01 Restriction on keeping. Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the chief of the fire department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground and located not less than fifty (50) feet from the line of any adjoining property which may be built upon. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area.

7.24.02 Volatiles never to be allowed to pass into drainage system. In no instance shall gasoline, naphtha, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

7.24.03 Penalty. Any person who violates or fails to comply with any provision of this chapter or who shall violate or fail to comply with any order or regulation shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

CHAPTER 7.25

UNLAWFUL SETTING OR SPREADING OF FIRE GENERALLY;

DEFACING OR DESTROYING FIRE WARNING NOTICES

Sections:

- 7.25.01 Unlawful acts
- 7.25.02 Burning garbage and trash

7.25.01 Unlawful acts. The following acts shall be misdemeanors and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or a jail sentence not less than ten (10) days nor more than one (1) year or by both such fine and imprisonment.

- a. Setting on fire or causing or procuring to set on fire any forest brush or other inflammable vegetation or lands of another.
- b. Burning any brush, stumps, logs, rubbish, fallen timber, grass, stubble, scrap materials, junk or debris of any sort, whether on one's own land or that of another.
- c. Building a camp fire or leaving a camp fire to spread or throwing away a lighted cigar, match or cigarette or by the use of firearms or in any other manner starting a fire in forest material and leaving the same unextinguished.
- d. Defacing or destroying fire warning notices.

7.25.02 Burning garbage and trash.

- a. It shall be unlawful for any person to burn any garbage or trash, except as provided in sub-paragraph (b) following.
- b. No person or persons shall kindle or maintain a bonfire or burn trash, lumber, leaves, straw, or any other combustible material in any street or alley or on any premises or vacant lot without first having obtained and having in full force and effect permission to do so from the chief of the fire department or the chief of the police department. No such permit shall be issued to kindle, build, maintain or use a fire within fifteen (15) feet of a fire hydrant or within two (2) feet of any concrete curb or the surface of any permanent pavement except for the purpose of repairing, removing or constructing the same. Burning under permit, as provided for in this paragraph, shall also be subject to such additional proper safeguards as the chief of the fire department or the chief of the police department may prescribe. All burning of materials permitted by this paragraph shall be conducted on still days, during daylight with an adult in constant attendance and shall be done in a location at least twenty-five (25) feet from any building or structure and where standing grass or weeds will not communicate fire to nearby property. No permit shall be

issued by the fire chief or police chief hereunder unless it is determined within his discretion that such open burning is necessitated because the restrictions imposed by the then existing West Fork trash disposal contractor prohibited disposal in any other reasonable manner. No permit shall be issued for any burning, the contaminants from which shall constitute "air pollution" as defined by A.C.A. 8-4-303. (Ord. No. 89-200)

c. The penalty provisions set out in Section 7.25.01 shall also be applicable for violations in Section 7.25.02 (a) and (b).

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authority to dispatch
7.28.02	Restrictions
7.28.03	Cost of aid without mutual aid agreement
7.28.04	Mutual aid agreement
7.28.05	Payment of money collected

7.28.01 Authority to dispatch. No fire department apparatus shall be taken beyond the corporate limits of the city to assist of any fire or for any other purpose, except by order of the mayor or fire chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth.

7.28.02 Restrictions. The mayor or fire chief or such other person as they may designate are authorized, in their discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation, or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- (a) A request from a city or incorporated town for assistance must come only from the mayor, fire chief or such other person as may be designated by mutual agreement.
- (b) Calls may be responded to only by such apparatus which in the judgement of the mayor or fire chief or such other person as they may designate can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable.
- (c) The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement.
- (d) The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the fire department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire, unless otherwise covered by insurance.

CHAPTER 7.32

FIREWORKS

Sections:

- 7.32.01 Regulated
- 7.32.02 Penalty

7.32.01 Regulated It shall be unlawful for any person to shoot or set fire to any firecrackers, Roman candles or any other fireworks within the corporate limits of the city excepting during the hours of 9:00 a.m. through midnight on July 3rd and from 9:00 a.m. to midnight on Independence Day, July 4th, of each year.

Fireworks booths shall not be located within seventy-five (75) feet of any business in order to prevent fire hazard.

The sale of fireworks in the city limits of West Fork, Arkansas, shall be permitted from June 25th through July 5th. (Ord. No. 369, Sec. 1.)

7.32.02 Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined in a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 369, Sec. 2.)

CHAPTER 7.36

SIGNS

Sections:

7.36.01	Purpose
7.36.02	Definitions
7.36.03	Maintenance of premises
7.36.04	Unsafe or insecure signs
7.36.05	Nonconforming signs
7.36.06	Exemptions
7.36.07	Sign permit
7.36.08	Sign removal
7.36.09	Sign limitation
7.36.10	Zoning districts sign criteria
7.36.11	Sign variance
7.36.12	Enforcement
7.36.13	Penalties

7.36.01 Purpose To provide minimum standards to safeguard health, property, life, public welfare and community aesthetics by regulating the designs, quantity and maintenance of signs within the City of West Fork. (Ord. No. 313, Sec. 1.)

7.36.02 Definitions

Area Identification sign A sign to identify a common area containing a group of structures, or a single structure with multiple occupancy, such as a residential subdivision, apartment complex, office complex, industrial park, mobile home park, or shopping center, located at the entrance or entrances of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.

Banner Any sign primed or displayed upon cloth or other flexible material, with or without frames.

Beacon A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Bulletin Board Any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution, for purposes or announcing events which are held on the premises.

Company Flag A flag identifying a business or, an organization where the flag is displayed.

Controlled Access Highway Any federal or state numbered highway or any county or city street, which restricts access to individual property by providing access only at designated location and provides grade separation on crossing streets.

Directional Sign A sign of a noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings.

Display Surface Area The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, Display Surface Area shall not include the structural supports for free standing signs; provided further, that only one face of a doublefaced sign as defined shall be considered in determining the display surface area.

District or Zoning District A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. References to individual zoning districts contained herein shall refer to the zoning districts established by the zoning ordinance.

Erect To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

Flashing Sign An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Freestanding Sign A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Illuminated Sign Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Illumination, Direct Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

Illumination, Indirect Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Joint Identification Sign A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons, or businesses included but carry no other advertising matter.

Lease An agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his property.

Lot A parcel of land under one ownership whether described by metes and bounds or a platted lot.

Mall Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard Roof Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three quarters of the length of a side building wall. For purposes of this chapter, a low slope roof shall mean any roof with a pitch less than three inches rise per 12 inches horizontal.

Nonconforming Sign A sign existing at the effective date of the adoption of this ordinance which could not be built under the terms of this ordinance.

Off-Site Sign A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term Off-Site Sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial-message.

Parking Informational Sign A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided, an on-site sign may also display a noncommercial message.

Person A wall sign or a freestanding sign indicating the location of a motor vehicle parking lot and designating the persons authorized to park in said lot. The size of a Parking Informational Sign shall not exceed four square feet. The number of Parking Informational Sign on a parking lot shall not exceed the number of entrances for the parking lot.

Person Any person, firm, partnership, association, corporation, company or organization, of any kind.

Platform Sign A single or double-face sign attached to a supporting base placed on the ground surface.

Portable Swinger Sing, and a Frame or Sandwich Sign An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

Portable Temporary Attraction Sign Board A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto.

Projecting Sign Any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted,

Real Estate Sign Temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Roof Sign Any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Shopping Center Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

Sign Every device, flame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times when in use shall be considered a Sign Within the meaning of this ordinance, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a Sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single Sign.

Spot Light Illumination Illumination which comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.

Wall Sign Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a Wall Sign. Any sign that is affixed to the face of a building marquee building awning, or a building canopy shall be considered a Wall Sign.

Windblown Sign. Any flag, pennant, balloon, spinner, or blimp. (Ord. No. 313, Sec. 2.)

7.36.03 Maintenance of premises All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds. (Ord. No. 313, Sec. 3.)

7.36.04 Unsafe or insecure signs If the City of West Fork shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance he shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards herein set forth within a reasonable time specified in such notice, such sign or other advertising structure may be removed or altered to comply by the City of West Fork; any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.(Ord. No. 313, Sec. 4.)

7.36.05 Nonconforming signs

- A. Nonconforming signs. For the purpose of this section, a nonconforming sign shall be defined as a sign existing at the effective date of this ordinance which could not be built under the terms of this ordinance or under the terms of the city's zoning ordinance.
 - 1. On-site, nonconforming signs. All on-site, nonconforming signs not otherwise prohibited by the provisions of this ordinance shall be removed or shall be altered to conform to the provisions of this ordinance when the nature of the _ business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend, or when the name of the business changes and the sign is changed or modified either in shape, size, or legend, or when the sign is damaged as in (c) below.

2. Off-site, nonconforming signs. Off-site, nonconforming signs not otherwise prohibited by the provisions of this ordinance shall be removed or shall be altered so as to conform with the provisions of this ordinance when the lease expires or when the sign is damaged as in (c) below.
- B. No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity.
- C. Should any nonconforming sign be damaged by any means to an extent of more than 50% of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this ordinance. (Ord. No. 313, Sec. 5.)

7.36.06 Exemptions The following signs are exempt from sign permits but are not exempt from other applicable provisions of this ordinance.

1. Professional Nameplates - erected flat against wall of building and not exceeding four square feet.
2. Building Construction Sign - one per construction site not exceeding thirty-two square feet.
3. Real Estate Sign - one per lot or one per selling agency not exceeding eight square feet.
4. Home Occupation Sign - see zoning ordinance.
5. Memorial or Name Sign - when cut into masonry surface or mounted flush to wall surface and made of incombustible material.
6. Traffic signs - governmental, legal notices, railroad crossing, danger, temporary, emergency and other nonadvertising traffic signs.
7. Election Campaign Signs - may be placed on private property and must be removed within seventy-two hours of final election.
8. Time and Temperature - provided they contain no advertising matter.
9. Banners -- when used in election campaigns, public events or special sales events. Must be removed within seventy-two hours following the final election or event.
10. Inside Building - located within a building or not visible to the public outside the building.

11. Window Signs - painted on window or door and pertaining to lawful business conducted within the building.
12. Directional and Informational Signs - limited to wall or freestanding not to exceed four square feet of surface area, except fuel price signs which may be attached to the pump.
13. Subdivision Sign - located at principal entrance to subdivision, not to exceed thirty-two square feet and must be removed when all lots are sold.
14. Bulletin Boards - religious, public, schools, charitable and nonprofit organizations provided other provisions of this ordinance are met. (Ord. No. 313, Sec. 6.)

7.36.07 Sign permit A sign permit is required for all signs within the city limits of West Fork except for those signs listed in Section 6. The permit shall be obtained from the building inspector and the applicant shall complete the application form and pay the permit fee. A sign permit shall be good for six months, if the sign has not been constructed or erected within that time the permit shall be null and void unless the applicant has requested and received an extension from the building inspector. A sign permit may be revoked for good cause by the building inspector. Any decision of the building inspector maybe appealed to the City Council. (Ord. No. 313, Sec. 7.)

7.36.08 Sign removal

- A. When a business ceases operation all signs pertaining to that business shall be removed within ninety days. If a sign is not removed in ninety days the City of West Fork shall notify the sign owner or the property owner to remove the sign within thirty days. if the sign is not removed in thirty days from date of notice the building inspector shall have the sign removed and the cost of removal shall be billed to the property owner and shall constitute a lien upon the property.
- B. No sign shall be placed on any street or intersection in such a manner as to obstruct free and clear vision of traffic. No sign shall be placed on any street, which because of its design, color or message, could be confused with any authorized traffic sign, signal or device. Any sign which in the opinion of the City of West Fork or chief of police does obstruct or confuse as above described shall be removed by the owner of the _ sign or the property owner, if the sign is not removed within thirty days of the date of notice from the City of West Fork, the City of West Fork shall have the sign removed and the cost of removal shall be billed to the property owner and shall constitute a lien upon the property. (Ord. No. 313, Sec. 8.)

7.36.09 Sign limitations

- A. Signs may be illuminated by incandescent light bulbs rated at twenty-five watts or.
- B. No sign shall be erected or operated which contains a beacon or spot light.
- C. Fluctuating illumination is not allowed.
- D. Portable, A frame, sandwich and temporary attraction signs are not allowed.
- E. Revolving, rotating and moving signs are not allowed.
- F. Vehicles, trailers and other wheeled objects shall not be used as signs.
- G. Signs may not be placed or painted on trees or rocks.
- H. Windblown or inflated devices may be used for special occasions not to exceed seventy-two hours after application, fee and approval by the building inspector. A special occasion would be a grand opening, anniversary holiday sales or special sales event or similar events.
- I. Roof signs are not permitted except by variance granted by the City Council.
- J. No off-site sign shall be permitted within six hundred and sixty feet of the right-of-way of a controlled access highway.
- K. No off-site sign shall be visible from a designated scenic corridor or highway. (Ord. No. 313, Sec. 9.)

7.36.10 Zoning districts sign criteria

- A. A-District
 - 1. Off-site freestanding, projecting, wall and area signs are not permitted.
 - 2. On-site freestanding signs are permitted subject to the following:
 - a. one per lot or parcel not exceeding thirty feet in height.
 - b. Display surface area not to exceed sixteen square feet.
 - c. Shall be set back at least twenty-five feet from the right-of-way line or any other zoning district or property line.
 - d. Sign may be illuminated by indirect illumination 'only.

3. On-site projecting signs are not permitted.
4. On-site wall signs are permitted subject to the following:
 - a. Does not project more than eighteen inches from the wall on which it is located; and
 - b. Does not exceed one hundred and fifty square feet.
5. One area sign is permitted provided it is approved by the building inspector as to location and does not exceed thirty-two square feet of display area and twenty feet in height.

B. R to R-3 and MH Districts

1. On-site freestanding signs are permitted subject to the following:
 - a. Maximum display surface area shall not exceed twelve square feet.
 - b. The sign shall be set back a minimum of fifteen feet from street right-of-way.
 - c. The height shall not exceed six feet above the level of the street.
 - d. The sign shall be set back a minimum of ten feet from the boundary of any adjoining property.
 - e. The sign may be illuminated by indirect illumination only.
2. Schools, churches, public properties and other public gathering facilities may have one freestanding bulletin board per property subject to the following:
 - a. One per lot or parcel.
 - b. Not exceeding six feet in height.
 - c. Not exceeding Sixteen square feet of display area.
 - d. Setback at least twenty-five feet from any right-of-way line.
 - e. Setback at least ten feet from an adjoining property line.
3. Signs may be illuminated by indirect illumination only.
4. Home occupation signs as provided by the zoning ordinance.
5. Projecting signs are not permitted.

6. On-site wall signs are permitted for nonresidential structures as follows:
 1. Does not exceed sixteen square feet; and
 2. Is limited to the walls that abut streets.
 3. Does not project more than eighteen inches from the wall on which it is located.
7. One area sign is permitted provided it is approved by the building inspector as to location and does not exceed thirty-two square feet of display area and twenty feet in height.
8. Off-site signs are not permitted.

C. R-O District

1. Off-site freestanding signs are not permitted.
2. On-site freestanding signs are permitted subject to the following:
 - a. One per single occupancy structure not exceeding thirty feet in height.
 - b. Display surface area not to exceed twenty-five square feet.
 - c. Shall be setback at least fifteen feet from the right-of-way line or an adjacent property line.
 - d. May be illuminated by indirect illumination only.
3. Off-site projecting signs are not permitted.
4. On-site projecting signs may be permitted if no on-site freestanding sign is used subject to the following:
 - a. one per single occupancy structure.
 - b. Does not exceed sixteen square feet of display surface area.
 - c. Does not project above the eave or rafter line whichever is higher.
 - d. Does not project more than six feet from the structure it is attached to and clears the grade below the structure by eight feet;
 - e. Does not project over a right-of-way line, property line or setback line.
 - f. May be illuminated by indirect illumination only.

5. On-site wall signs are permitted subject to the following:
 - a. Does not project more than eighteen inches from the wall on which it is located.
 - b. Does not exceed one hundred square feet of display surface area.
 - c. Are limited to one sign per wall.
 - d. May be illuminated by indirect illumination only.
 - e. Buildings which contain multiple occupants may have one wall sign per each occupant provided the total display surface area does not exceed two hundred square feet. In the case of multiple occupancy the requirement in c. above does not apply.
 - f. Does not extend above the eave or rafter line whichever is greater.
 6. Off-site wall signs are not permitted.
 7. One area sign is permitted for a multiple structure office complex subject to the approval of the building inspector and which does not exceed thirty-two square feet of display area and twenty feet in height.
- D. C-Commercial District, 1-Industrial District and 1-1-Light Industrial District
1. Off-site freestanding signs are not permitted.
 2. On-site freestanding signs are permitted subject to the following:
 - a. One per property.
 - b. A display surface area not to exceed forty square feet.
 - c. Setback at least fifteen feet from any street right-of-way.
 - d. Setback at least twenty-five feet from the boundary of any RDistrict.
 - e. The display surface area of a sign setback greater than one hundred fifty feet from the right-of-way of the road serving the property may be increased in size to a maximum of seventy-five square feet.
 - f. Signs may be illuminated by indirect illumination.
 - g. A joint identification sign may be used in place of individual signs. If a joint identification sign is used it may have a display surface area of one square foot for each five hundred square feet of gross leasable building area up to a maximum of three hundred square feet.
 3. Off-site projecting signs are not permitted.

4. On-site projecting signs may be used instead of a freestanding signs as follows:
 - a. One projecting sign per business.
 - b. A display surface area not to exceed twenty square feet.
 - c. Does not project above the eave or rafter line whichever is higher.
 - d. Does not project more than six feet from the structure it is attached to and clears the grade below the structure by eight feet.
 - e. Does not project over a right-of-way line, property line or setback line.
 - f. May be illuminated by indirect illumination.
5. Off-site wall signs are not permitted.
6. Wall signs are permitted subject to the following:
 - a. Does not project more than eighteen inches from the wall on which it is located.
 - b. Does not exceed one hundred and fifty square feet of display surface area or twenty percent of the wall area on which it is located, whichever is greater.
 - c. Does not extend above the eave or rafter line whichever is greater. Signs are limited to the walls that face on public streets or are visible from public streets.
 - d. Signs are limited to one per eligible wall, per occupant.
 - e. Multiple occupant structures are limited to two hundred square feet of display surface area or thirty percent of the wall area on which it is located, whichever is greater, for all signs.
 - f. Signs may be illuminated by indirect illumination.
7. One area sign is permitted for a multiple structure facility subject to the approval of the building inspector and which does not exceed fifty square feet of display area and twenty feet in height. (Ord. No. 313, Sec. 10.)

7.36.11 Sign variance

- A. Requests for variance to the sign ordinance shall be submitted to the Planning Commission for review. The request for variance shall be in writing and shall state; the owner of the property, the owner of the sign, the address of the property where the variance is requested, the reason for the request and the nature of the variance.
- B. The City Council may grant a variance if the applicant can show that strict enforcement of this ordinance would cause practical difficulties in the placement of a sign

allowed by the ordinance due to circumstances unique to the property or structure. In granting a variance the City Council will demonstrate that such action is in keeping with the spirit and intent of this ordinance.

- C. The City Council may impose reasonable conditions in granting a variance to ensure compliance, to protect adjacent property and to ensure traffic safety. (Ord. No. 313, Sec. 11.)

7.36.12 Enforcement

- A. Any and all persons having express or implied authority over the size, appearance, content and/or location of a sign, together with the landowner and/or lessor of the real property upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with law and shall be jointly and severally liable for any violations of this ordinance or other law pertaining to the sign. The real property landowner shall be presumed to be the person recorded as such in county records.
- B. The responsibility for enforcement and issuance of citations for violations of the provisions of this ordinance shall be the City of West Fork. (Ord. No. 313, Sec. 12.)

7.36.13 Penalties Any violation of any provision of this ordinance shall be cited and fined in the amount of not less than twenty-five dollars nor more than five hundred dollars upon conviction. Each day such violation continues shall be considered a separate offense.

CHAPTER 7.40

SEXUALLY ORIENTED BUSINESSES

Sections:

7.40.01	Purpose and intent
7.40.02	Definitions
7.40.03	Classification
7.40.04	Location
7.40.05	Nonconforming businesses
7.40.06	Penalties
7.40.07	Alcoholic beverages on premises
7.40.08	Penalties

7.40.01 Purpose and intent It is the purpose of this ordinance to regulate sexually oriented business to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law. (Ord. No. 325, Sec. 1.)

7.40.02 Definitions

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" (j) or "specific anatomical areas" (k).

Adult Bookstore or Adult Video Store. A commercial establishment whose principal business purposes is to offer for sale or rental for any form of consideration any one or more of the following:

- B. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" (j) or "specified anatomical areas" (k), or

- C. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" (j).

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. persons who appear in a state of nudity; or
- B. live performances which are characterized by the exposing of "specified sexual activities" (j) or "specified anatomical areas" (k); or
- C. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" (j) or "specified anatomical areas" (k).

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize "specified sexual activities" (j) or "specified anatomical areas" (k).

Adult Theaters. A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" (j) or "specified anatomical areas" (k).

Nudity or State of Nudity.

- A. The appearance of the bare human buttock, anus, male genitals, female genitals, or female breast.
- B. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region and/or the female breast, as well as portions of the body covered by supporting straps or devices.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater whose inventory, merchandise, or performances are characterized by a preponderance of "specified sexual activities" (j) or "specified anatomical areas" (k), as the same are defined herein.

Specified Sexual Activities.

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Specified anatomical areas.

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Residential district. Any land within the city limits of West Fork, Arkansas, zoned R, R-I, R-2, R-3, R-0, MH, A, C, as defined by the City of West Fork Zoning Code. (Ord. No. 325, Sec. 2.)

7.40.03 Classification Sexually oriented businesses are classified as follows:

- A. Adult arcade;
 - B. Adult Bookstores and adult video stores;
 - C. Adult cabarets;
 - D. Adult motion picture theaters;
 - E. Adult theaters.
- (Ord. No. 325, Sec. 3.)

7.40.04 Location Sexually oriented businesses shall not be allowed in any zoning district except I-1 (light industrial) where they may be allowed as conditional uses subject to the following:

- A. No sexually oriented business may be operated within 750 feet of;
1. a church or other religious facility;
 2. a public or private elementary, secondary or post-secondary school; pre-school or child care facility.
 3. a public park.
 4. a boundary of a residential zone, R, R- 1, R-2, R-3, R-0, MH, A, C, or any single-family or multiple-family residential use.
 5. a hospital or other medical facility.
 6. properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.
- B. A person commits an offense if he causes or permits the operation, establishment, or maintenance of a sexually oriented business within seven hundred fifty (750) feet of another sexually oriented business.
- C. For the purpose of subsection (a), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, residential lot, hospital or other medical facility, or properties listed on the National Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program.
- D. No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 750 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.
- E. For the purposes of subsection (b) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- F. Ordinance 303, conditions governing application of conditional uses, procedures shall apply in addition to the specific requirements set forth above.
(Ord. No. 325, Sec. 4.)

7.40.05 Nonconforming business A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private elementary or secondary school, public part, residential district or residential lot within seven hundred fifty (750) feet of the sexually oriented business. This provision applies only to an ongoing sexually oriented business, not to a sexually oriented business that has been terminated for any reason or discontinued for a period of ninety (90) days or more subsequent to the location of the church, public or private elementary or secondary school, public part, residential district, or residential lot. (Ord. No. 325, Sec. 5.)

7.40.06 Penalties

- A. Any person operating or causing to be operated any sexually oriented business in violation of any part of this ordinance, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- B. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.
- C. A person who operates or causes to be operated a sexually oriented business in violation of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations. (Ord. No. 325, Sec. 6.)

7.40.07 Alcoholic beverages on premises That no person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof. (Ord. No. 327, Sec. 1.)

7.40.08 Penalties

- A. Any person violating any provision of this ordinance upon conviction shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00).
- B. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.
- C. A person who violates any provision of this ordinance will be subject to prosecution for criminal violations. (Ord. No. 327, Sec. 2.)

CHAPTER 7.44

ALARM DEVICES REQUIRING POLICE OR FIRE RESPONSE

Sections:

7.44.01	Purpose and intent
7.44.02	Definitions
7.44.03	Response to alarms
7.44.04	Excessive false alarms and civil administrative penalty assessment

7.44.01 Purpose and intent It is the purpose of this ordinance to establish standards and controls of the various types of intrusion, holdups, and other emergency signals from police and fire alarm devices that require police or fire response, investigation, and safeguarding of property at the location of an event reported by a signal which is transmitted by audible devices, telephone or radio, or which is otherwise relayed to the police or fire department by an alarm device or central alarm station requiring investigation or other action by a person acting in response to a signal actuated by an alarm device, including such devices already in use within the city. (Ord. No. 323, Sec. 1.)

7.44.02 Definitions For the purpose of this ordinance certain words and phrases shall be defined as herein set forth:

Subscriber is any person, firm, corporation, partnership or entity who or which purchases, leases, contracts for, or obtains an alarm system.

Alarm System means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the city of West Fork, Arkansas, of a burglary, robbery, and/or other criminal offense, fire, or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire or police department and those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located, who in turn may notify the police or fire department of the signal. Alarm systems do not include those affixed to automobiles. Furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structure are to be counted as separate systems even though owned by same person or entity.

False Alarm means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. A false alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- A. Criminal activity or unauthorized entry.
- B. Telephone line malfunction verified in writing to the city by at least a first-line telephone company supervisor.
- C. Electrical service interruption verified in writing to the city by local power company
- D. Communication to the police or fire department before a unity is dispatched to investigate clearly indicating that the alarm resulting from authorized entry, authorized system test, or other non-criminal cause.
- E. An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress. (Ord. No. 323, Sec. 2.)

7.44.03 Response of alarms

- A. Whenever an alarm is activated in the city thereby requiring an emergency response to the location by the police or fire department and the police or fire department does respond, the police or fire department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.
- B. If the police or fire department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall made a report of the false alarm.
- C. The chief of the police or fire department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. (Ord. No. 323, Sec. 3.)

7.44.04 Excessive false alarms and civil administrative penalty assessment

- A. In the first instance that an alarm system produces three (3) false alarms starting with the date of the first false alarm call in any one (1) year time frame, the Chief of the involved department shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing subscriber of the false alarm civil administrative penalty schedule provided herein. On subsequent instances, three (3) false alarms within one (1) year of the first false alarm call, the chief of the affected department shall bill the subscriber by certified mail or delivery in accordance with the civil administrative penalty assessment schedule herein.
- B. Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease thirty (30) days after installation of, or modification to an alarm system.
- C. Upon any alarm system producing a fourth (4th) false alarm within one (1) year from the first false alarm offense, a civil administrative penalty assessment of Two Hundred Fifty Dollars (\$250.00) shall be assessed. A fifth (5th) false alarm within one (1) year from the first false alarm offense will result in a civil administrative penalty assessment of Two Hundred Fifty Dollars (\$250.00) A sixth (6th) false alarm within one (1) year from the first false alarm offense will result in a civil administrative penalty assessment of Two Hundred Fifty Dollars (\$250.00) and shut-down of the system by a designee of the chief of the appropriate department. The system can only be returned to service when written documentation is received by the chief of the appropriate department stating the system has been repaired by a licensed alarm system repairman.
- D. Refusal or failure of any subscriber to pay any civil administrative penalty assessment within thirty (30) days of the date of issuance will result in the alarm system being removed by the appropriate department. (Ord. No. 323, Sec. 4.)

CHAPTER 7.48

LIBRARY

Sections:

- 7.48.01 Prohibited conduct
- 7.48.02 Penalty
- 7.48.03 Existing fine system unaffected

7.48.01 Prohibited conduct

- A. It shall be unlawful for any person or persons to injure or fail to return to the Public Library of the city of West Fork, Arkansas, after written demand therefore mailed, by ordinary mail, to the last known property address of such person or persons, any book, periodical or property belonging to or held for lending by the library. Said written demand shall state that demand is made pursuant to authority continued in this ordinance and that failure to return the book, periodical or property specified within thirty (30) days from the date shown on said written demand, shall be considered a violation of this ordinance resulting in prosecution thereof.
- B. Whether the damage, injured or missing book is owned by the Library Board, the city of West Fork or the Washington County Library System, shall not be a defense to a prosecution under this ordinance. (Ord. No. 390, Sec. 1.)

7.48.02 Penalty Any persons violating the provisions of this ordinance shall, upon conviction of the same, be subject to a fine in an amount not less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00). Each violation of this ordinance shall constitute a separate offense. (Ord. No. 390, Sec. 2.)

7.48.03 Existing fine system unaffected Nothing herein shall be construed as in any way affecting or terminating the systems of civil fines and administrative sanctions now or hereafter employed by said library in connection with its program of lending books, periodicals and other property, but shall be supplementary thereto. (Ord. No. 390, Sec. 3.)

CHAPTER 7.48

SALE OF HARMFUL SUBSTANCES

Sections:

- 7.48.01 Unlawful
- 7.48.02 Confiscation
- 7.48.03 Exception
- 7.48.04 Medical purpose
- 7.48.05 Fine

7.48.01 Unlawful It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give or barter any one or more of the following chemicals within the city limits of the city of West Fork, Arkansas:

- A. Salviadinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
- B. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo(c)chromen-1-o1.....
Some trade or other names: HU-210
- C. 1-Pentyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-018/spice
- D. 1-Butyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-073
- E. 1-(3[triflouromethylphenyl]) piperazine.
Some trade or other names: TFMPP
- F. Or any similar substance.
(Ord. No. 416, Sec. 1.)

7.48.02 Confiscation If any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials. (Ord. No. 416, Sec. 2.)

7.48.03 Exception It is not an offense under 7.48.02 of this ordinance if the person was acting at the direction of an authorized agent of the city of Prairie Grove to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance. (Ord. No. 416, Sec. 3.)

7.48.04 Medical purposes This ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose. (Ord. No. 416, Sec. 4.)

7.48.05 Fine Any person to be in violation of this ordinance will be guilty of a misdemeanor and subject to a term of imprisonment not to exceed one year and/or a fine not to exceed One Thousand Dollars (\$1,000.00). (Ord. No. 416, Sec. 5.)