

MUNICIPAL CODE

**A Code of the General Ordinances
of the city of West Fork, Arkansas**

Date of Incorporation

May 18, 1885

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
2nd and Willow
North Little Rock, Arkansas 72115
Telephone: 374-3484

WEST FORK MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor

Alexander P. Stickers

Recorder/Treasurer

Paula J. Candle

Aldermen

David Bonham

Isaac Candle, Jr.

L.Q. Cruikshank

W.T. Kirkpatrick

Walter Long

Sam McCorkle

Floyd Pool

Pam Redfern

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING AND ENACTING A
NEW MUNICIPAL CODE OF ORDINANCES OF
THE CITY OF WEST FORK, ARKANSAS, ESTABLISHING
THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN
ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN
EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE
DATE OF SUCH CODE AND A PENALTY
FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE
MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR
THE EFFECTIVE DATE OF THIS ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST FORK, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "West Fork Municipal Code". Such code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before June 3, 1980 to the extent provided in Section 2 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after the 3rd day of June, 1980. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the 3rd day of June, 1980, except as hereinafter provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;

- (5) Any appropriation ordinance;
- (6) Any ordinance which, by its own terms, is effective only for a stated or limited time;
- (7) Any ordinance providing for local improvements and assessing taxes therefor;
- (8) Any ordinance dedicating or accepting any subdivision plat; or
- (9) Any ordinance enacted after June 3, 1980.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the West Fork Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such code shall be kept on file in the office of the City Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the City Recorder/Treasurer, or someone authorized by the Recorder/Treasurer, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of West Fork to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that many of the ordinances of the City of West Fork are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the City of West Fork adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservations of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this _____ day of _____.

Mayor

(SEAL)

ATTEST:

Clerk/Treasurer/Recorder

LEGAL NOTICE

Notice is hereby given that the city of West Fork, Arkansas, is planning to adopt the West Fork Municipal Code for the city of West Fork, Arkansas.

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the West Fork Municipal Code are on file in the office of the Recorder/Treasurer for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the City Council on June 3, 1980.

MAYOR

P R E F A C E

The West Fork Municipal Code is a codification of the general ordinances of the city of West Fork, Arkansas.

The loose-leaf binder and numbering system have been designed to permit the code to be easily and efficiently kept up to date. We hope this will enable the municipal code to be of the greatest assistance to the citizens and municipal officials of the city of West Fork.

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

TABLE OF CONTENTS

Title 1	General Provisions
Title 2	Classification, Administration and Personnel
Title 3	Fiscal Affairs
Title 4	Business Licenses and Regulations
Title 5	Health and Sanitation
Title 6	Animals and Fowl
Title 7	Public Peace, Safety and Morals
Title 8	Vehicles and Traffic
Title 9	Streets and Sidewalks
Title 10	Utilities
Title 11	Buildings and Construction
Title 12	Parks and Recreation
Title 13	Planning
Title 14	Zoning
Title 15	Subdivision Regulations

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.04 How Code Designated and Cited
- 1.08 Rules of Construction
- 1.12 Subheadings of Sections
- 1.16 Effect of Repeal of Ordinances
- 1.20 Severability of Parts of Code
- 1.24 Amendments to Code
- 1.28 Altering Code
- 1.32 General Penalty
- 1.36 Referendum Petitions

CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Sections:

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited The ordinances embraced in the following chapters and sections shall constitute and be designated "West Fork Municipal Code" and may be so cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701; et seq.

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

- 1.08.01 Rules of construction

1.08.01 Rules of construction In the construction of this code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council.

STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the State of Arkansas.

CITY. The words "**the city**" or "**this city**" shall mean the city of West Fork, Arkansas.

CITY COUNCIL. Whenever the words "**City Council**" or "**Council**" are used they shall be construed to mean the City Council of the city of West Fork, Arkansas.

COUNTY. The words "**the county**" or "**this county**" shall mean the county of Washington, Arkansas.

GENDER. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

MUNICIPALITY. The words "**the municipality**" or "**this municipality**" shall mean the city of West Fork, Arkansas.

NUMBER. Words used in the singular include the plural, and the plural includes the singular number.

OATH. The word "**oath**" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "**swear**" and "**sworn**" shall be equivalent to the words "**affirm**" and "**affirmed**".

OR, AND. "**Or**" may be read "**and**", and "**and**" may be read "**or**" if the sense requires it.

OTHER CITY OFFICIALS OR OFFICERS. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "**Mayor**", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of West Fork, Arkansas.

PERSON. The word "**person**" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

SIDEWALK. The word "**sidewalk**" means a strip of land in front of or on the side of a house or lot of land lying between the property line and the street.

STATE. The words "**the state**" or "**this state**" shall be construed to mean the State of Arkansas.

STREET. The word "**street**" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city of West Fork, Arkansas.

TENSE. Words used in the past or present tense include the future as well as the past or present tense.

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Sections:

1.12.01 Subheadings of sections

1.12.01 Subheadings of sections The subheadings of sections of this code, which are underlined, are intended merely to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the subheadings, are amended or reenacted.

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Sections:

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

Sections:

1.20.01 Severability of parts of code

1.20.01 Severability of parts of code It is hereby declared to be the intention of the City Council that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.02 Amendments to code

1.24.01 Amendments to code All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section _____ of the West Fork Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the West Fork Municipal Code is hereby amended by adding a section (or title or chapter) to be numbered _____, which said section (or title or chapter) reads as follows: . . ." The new provisions may then be set out in full.

All sections, titles, chapters or provisions desired to be repealed must be specifically repealed by section, title or chapter number, as the case may be.

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance of the City Council, which shall cause the law of the City of West Fork, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General Penalty

1.32.01 General penalty Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefor shall be no less nor greater than that set forth by state law.

STATE LAW REFERENCE-See A.C.A. 14-55-504

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

- 1.36.01 Filing date
- 1.36.02 Notice of hearing
- 1.36.03 City Council calls election
- 1.36.04 Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Recorder/Treasurer within thirty (30) days after passage of such ordinance.

1.36.02 Notice of hearing Whenever any referendum petition is filed the City Council shall give notice by publication for one insertion of a time not less than five (5) days after the publication of such notice at which they will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named the City Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Washington County within thirty (30) days to review its action.

1.36.03 City Council calls election If the City Council finds that such petition is signed by the requisite number of petitioners, it may order a special election or place the question on the ballot at the next municipal general election to determine by vote of the qualified electors whether the ordinance shall stand or be revoked. The date for any special election shall be set less than thirty (30) days after the order therefore has been made by the Council, and said special elections shall be had and conducted as general municipal elections held in the City of West Fork.

1.36.04 Upon defeat of ordinance If any ordinance referred to the people is defeated at the polls, the City Council shall make a note of such fact and shall expunge such ordinance from its files.

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 14-55-301

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Sections:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Emergency Services
- 2.16 Social Security Coverage
- 2.20 Unclaimed Property
- 2.24 City Council
- 2.28 Mayor
- 2.32 Clerk/Treasurer
- 2.36 City Attorney
- 2.28 Public Safety Commission
- 2.40 Volunteer Fire Department
- 2.42 Police Department
- 2.44 Marshal
- 2.48 Court
- 2.52 Salaries of City Employees
- 2.54 Personnel Policy Manual

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city That from and after the passage of this ordinance, the city of West Fork, Arkansas, shall be a first class city as provided by the laws of the state of Arkansas, and shall have all of the rights, powers, privileges and duties provided for cities of the first class under the laws of the state of Arkansas. (Ord. No. 229, Sec. 1)

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- 2.08.01 Map of city
- 2.08.02 Ward boundaries

2.08.01 Map of city The ward redistricting plan, depicted on the map attached hereto and made a part hereof, be and is hereby adopted as the official Ward Map for the city of West Fork, Arkansas. (Ord. No. 422, Sec. 1.)

2.08.02 Ward boundaries

Ward 1 - shall contain all that portion of land contained within the city limits, south of White Street and west of the railroad right-of-way.

Ward 2 - shall contain all that portion of land contained within the city limits north of White Street, West of the railroad right-of-way and all that portion contained within the city limits lying south of Pleasant Street East of the railroad right-of-way to Highway 71 right-of-way.

Ward 3 - shall contain all that portion of land within the city limits north of Pleasant Street and west of Highway 71.

Ward 4 - shall contain all that portion of land lying within the city limits east of Highway 71.

A map dated the 11th day of March, 1986, known as the Ward Redistricting Map, shall be incorporated herein and made a part hereof as if set forth word for word. (Ord. No. 164)

CHAPTER 2.12

EMERGENCY SERVICES

Sections:

2.12.01	Policy and purpose
2.12.02	Emergency services defined
2.12.03	Powers of the mayor
2.12.04	Director of emergency services
2.12.05	Duties of director
2.12.06	Advisory council
2.12.07	Duties
2.12.08	Mutual aid agreements
2.12.09	Appropriations and authority to accept services, gifts, grants, and loans
2.12.10	Utilization of existing services and facilities
2.12.11	Political activity prohibited
2.12.12	Emergency services personnel
2.12.13	Workmen's Compensation benefits

2.12.01 Policy and purpose

- A. Because of the existing and possibility of the occurrence of disaster of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural causes, and in order to insure that preparations of this city will be adequate to deal with such disaster, and generally to provide for the common defense and to protect the public property of the people of this city, it is hereby found and declared to be necessary:
1. To create a city Emergency Services agency
 2. To provide for the rendering of mutual aid to other cities within the state, and those adjoining states, and to cooperate with the state government with respect to carrying out emergency services functions.
- B. It is further declared to be the purpose of this chapter and the policy of this city, that all emergency services functions of this city be coordinated to the maximum extent with the comparable functions of the state government including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this city's manpower, resources, and facilities for dealing with any disaster that may occur.
- C. It is further declared to be the purpose of this chapter and the policy of the city to organize its emergency services organization in conformity with A.C.A. 12-75-101.

2.12.02 Emergency services defined As used in this chapter, "emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes. These functions include, without limitation., fire fighting services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection; together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

2.12.03 Powers of the Mayor The Mayor of the city shall be responsible for and have general direction and control of the emergency services of this city. In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this chapter not inconsistent with other ordinances of this city.

2.12.04 Director of Emergency Services The mayor, with the consent of the City Council, is hereby authorized to appoint a Director of Emergency Services, who shall perform such duties as are imposed upon him by this chapter, and as are delegated to him by the Mayor when not contrary to other ordinances of this city.

2.12.05 Duties of Director The Director shall coordinate the activities of all organizations for emergency services within this city and shall maintain liaison with and cooperate with the emergency services agencies and organizations within the state and with the state government.

2.12.06 Advisory council There is hereby created an emergency services advisory council consisting of four (4) citizens, appointed by the Mayor and confirmed by the City Council who shall advise the Mayor and the Director on all matters pertaining to emergency services. The Mayor shall serve as chairman of the council and the members thereof shall serve without compensation.

2.12.07 Duties

- A. In performing his duties under this chapter, the Mayor, or the Director of Emergency Services when such authority is delegated to him by the Mayor, is authorized to cooperate with the state government, with other cities and counties, and with private agencies in all matters pertaining to the emergency services of this city and the state.

- B. In performing his duties under this chapter and to effect its policy and purpose, the Mayor is further authorized and empowered:
1. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the state government;
 2. To prepare a comprehensive plan and program for the emergency services of this city, such plan and program to be integrated into and coordinated with the emergency services plans of the state government and of other cities and counties within the state to the fullest extent;
 3. In accordance with such plan and program for the emergency services of this city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of emergency services organization, in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency service personnel in time of need;
 4. To make such studies and surveys of the industries, resources, and facilities in this city as may be necessary to ascertain the capabilities of the city for emergency services, and to plan for the most efficient emergency use thereof;
 5. On behalf of this city, to enter into mutual aid arrangements with other cities and counties within this state and also with emergency services agencies or organizations in other states for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the Governor, or of the State Director of Emergency Services;
 6. To delegate any administrative authority vested in him under this chapter, and to provide for the subdelegation of any such authority;

7. To cooperate with the Governor and the Arkansas Office of Emergency Services and other appropriate state offices and agencies, and with the officials and agencies of other cities and counties within the state pertaining to the emergency services of the state including the direction or control of:
 - a. Black-outs and practice blackout, air-raid drills, mobilization of emergency services forces, and other tests and exercises,
 - b. Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith,
 - c. The effective screening or extinguishing of all lights and lighting devices and appliances,
 - d. Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services,
 - e. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to drills or attack,
 - f. Public meetings or gatherings, and
 - g. The evacuation and reception of the civilian population.

2.12.08 Mutual aid arrangements

- A. The Director of the Organization for Emergency Services may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency services plan and program, and in time of emergency it shall be the duty of each local organization for emergency services to render assistance in accordance with the provisions of such mutual aid arrangements.
- B. The Director of the Organization for Emergency Services may, subject to the approval of the Governor, enter into mutual aid arrangements with emergency services agencies or organizations in other states for reciprocal emergency service aid and assistance in case of disaster too great to be dealt with unassisted.

2.12.09 Appropriations and authority to accept services, gifts, grants, and loans

- A. Whenever the state government or any agency or officer thereof shall offer to this city, services, equipment, supplies, materials, or funds by way of gifts, grants, or loans, for purposes of emergency services, the city, acting through the Mayor, may accept such offer and upon such acceptance, the mayor may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of this city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.
- B. Whenever any person, firm, or corporation shall offer to this city services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of emergency services, the city acting through the Mayor, may accept such offer and upon such acceptance the Mayor of the city may authorize any officer of the city to receive such services, equipment, supplies, materials, or other funds on behalf of the city, and subject to the terms of the offer.

2.12.10 Utilization of existing services and facilities In carrying out the provisions of this chapter, the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the city, to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Mayor, and to the emergency services organizations of the city upon request.

2.12.11 Political activity prohibited No organization for emergency services established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

2.12.12 Emergency services personnel No person shall be employed or associated in any capacity in the emergency services organization of this city established under this chapter who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state, or in this city or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in this organization for emergency services shall, before entering upon his duties, take an oath, in writing before a person authorized to administer oaths in the state which oath shall be substantially as follows:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Arkansas against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter." "And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the emergency services Agency of the city, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

STATE LAW REFERENCE-see A.C.A. 12-75-101.

2.12.13 Workmen's Compensation benefits

- A. Recovery for the injury or death of persons appointed and regularly enrolled in emergency services organization as contemplated by this Act (AS 11-1934 - 11-1957), while actually engaged in emergency, shall be limited to the provisions of the Workmen's Compensation Act, if such person are regularly employed by the state of Arkansas, and if such person is (a) qualified emergency services volunteer worker of an accredited local organization for emergency services, recovery shall be limited as hereinafter provided.
- B. The remedy provided herein shall be the exclusive remedy as against the State and political subdivision thereof.
- C. For the purpose of workmen's compensation coverage in cases of injury to or death of an individual, all duly registered and qualified emergency services volunteer workers shall be deemed state employees within the meaning and requirements of Act 462 of 1949 as amended by Act 373 of 1951 (AS 13-1402 - 13-1407, 13-1409 - 13-1413) and shall receive compensation and their survivors shall receive death benefits in like manner as regular state employees for injury or death arising out of and in the course of their activities as emergency services volunteer workers.
- D. For the purpose of subsection (3) of this section, such emergency services volunteer workers who receive no monetary compensation for services rendered as such workers shall be deemed to have received such wages as will qualify them for maximum benefits applicable with respect to injury, disability, or death. The reimbursement of fifteen dollars (\$15.00) or less for out-of-pocket expenses incurred in response to an emergency situation, such as gasoline, oil, uniforms, and required equipment, etc., shall not be construed "monetary compensation" for the volunteer worker.

- E. In the event that any person who is entitled to receive benefits through the application of subsection (3) of this section receives, in connection with the injury, disability or death giving rise to such entitlement benefits under an Act of Congress or federal program providing benefits for emergency services workers or their survivors, the benefits payable hereunder shall be reduced to the extent of the benefits received under such other act or program. Any person who performs the duties of such member or trainee as an adjunct to his regular employment and who otherwise would be entitled to receive Workmen's Compensation benefits for his injury, disability, or death, if injured in the performance of such duties, shall be deemed to have been injured, disabled or killed in the course of his regular employment.
- F. An emergency services volunteer worker shall be deemed duly registered and qualified when he meets the following requirements:

When he is a member of and has on file in either an accredited local emergency services organization, or in the office of Emergency Services the following information:

1. Name and address
2. Date enrolled
3. Loyalty oath
4. Class of service assigned
5. Payments, death and disability benefits as herein provided shall be made from the Workmen's Compensation revolving fund for state employees.

STATE LAW REFERENCE-see A.C.A. 12-75-129; Sec. 22, Act 511 of 1973; Sec. 6, Act 408 of 1977; Hdbk. 4-3.6

CHAPTER 2.16

SOCIAL SECURITY COVERAGE

Sections:

- | | |
|---------|------------------------------|
| 2.16.01 | Contract |
| 2.16.02 | Withholding taxes from wages |
| 2.16.03 | City to match withholding |

2.16.01 Contract The Mayor and Recorder/Treasurer are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the federal Social Security Act.

2.16.02 Withholding taxes from wages Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.16.03 City to match withholding There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

CHAPTER 2.20

UNCLAIMED PROPERTY

Sections:

2.20.01	Disposal
2.20.02	Sale
2.20.03	Proceeds of sale to owner
2.20.04	Proceeds remaining after six months

2.20.01 Disposal The Marshal under the direction hereinafter set out is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the city court with the exception of confiscated liquor.

STATE LAW REFERENCE-For procedure relating to liquor, see A.C.A. 3-3-312 – 3-3-315; Hdbk. 29-4.9 - 29-4.13

2.20.02 Sale All unclaimed personal property coming into the hands of the Marshal will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city once each week for three (3) consecutive weeks setting forth in notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Marshal shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.20.03 Proceeds of sale to owner The Marshal shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by city warrant out of the special account the amount of which the property was sold. The Marshal or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property

passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.20.04 Proceeds remaining after six months. All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

CHAPTER 2.24

CITY COUNCIL

Sections:

- 2.24.01 Council meetings - regular
- 2.24.02 Council meetings - special
- 2.24.03 Freedom of information procedure
- 2.24.04 order of business

2.24.01 Council meetings - regular All regular meetings of the Council shall be held at the municipal building on the second Tuesday of each month.

2.24.02 Council meetings - special Special meetings of the Council may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or upon request of three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally, or through the mails, to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

STATE LAW REFERENCE-see A.C.A. 14-43-301

2.24.03 Freedom of information procedure All meetings of City Council shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Washington County which have requested to be notified at least two (2) hours before the special meeting takes place.

2.24.04 Order of business At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise:

- (1) Call to order
- (2) Roll call
- (3) Reading of minutes of the previous meeting
- (4) Reports of boards and standing committees
- (5) Reports of special committees
- (6) Unfinished business
- (7) New business
- (8) Announcements
- (9) Adjournment

CHAPTER 2.28

MAYOR

Sections:

- | | |
|---------|-------------------------|
| 2.28.01 | Office created |
| 2.28.02 | Election |
| 2.28.03 | Duties |
| 2.28.04 | Appointment of officers |
| 2.28.05 | Salary |

2.28.01 Office created The office of Mayor is hereby created.

STATE LAW REFERENCE-See A.C.A. 14-42-102

2.28.02 Election On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of West Fork shall elect a Mayor for four (4) years.

STATE LAW REFERENCE-See A.C.A. 14-44-105

2.28.03 Duties As chief executive of the city the Mayor shall preside over all meetings of the City Council and shall perform such duties as may be required of him by state statute or city ordinance.

2.28.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.28.05 Salary The rate of pay of the Mayor shall be determined by ordinance of the City Council from time to time in a manner that will comply with the Arkansas Constitution.

CHAPTER 2.32

CLERK AND TREASURER

Sections:

- 2.32.01 Offices combined
- 2.32.02 Separated
- 2.32.03 Filing petition

2.32.01 Offices combined The present City Clerk/Treasurer shall serve as the City Clerk/Treasurer until a new City Clerk is elected and qualified in the November 2008 election. (Ord. No. 2008-403, Sec. 1.)

2.32.02 Separated The offices of City Clerk and City Treasurer for the city of West Fork are hereby separated and the office of city Clerk is hereby made an elected position and the office of City Treasurer is hereby made an appointed position. (Ord. No. 2008-403, Sec. 2.)

2.32.03 Filing petition All persons desiring to run for the office of City Clerk shall file their petition in a manner provided by law so that the same may be placed on the ballot for the election to be held in November of 2008. (Ord. No. 2008-403, Sec. 3.)

CHAPTER 2.36

CITY ATTORNEY

Sections:

- 2.36.01 Appointment
- 2.36.02 Duties

2.36.01 Appointment The City Attorney may be appointed by the mayor and approved by a majority of the City Council for a term equal to the term of the Mayor. Such attorney shall be subject to removal by the Mayor upon approval by the Council,

2.36.02 Duties It shall be the duty of the City Attorney to prosecute all cases in the city court for violation of the city ordinances, and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal.

CHAPTER 2.38

PUBLIC SAFETY COMMISSION

Sections:

- 2.38.01 Establishment of Public Safety Commission
- 2.38.02 Powers and duties of the Commission

2.38.01 Establishment of Public Safety Commission There is hereby established for the city of West Fork, Arkansas, a Public Safety Commission consisting of five (5) members. These five (5) members will be appointed by the Council and will serve as follows: The initial Commissioners shall, by lot, determine the initial term. Position One term shall be for a period of one (1) year. Position Two term shall be for a period of two (2) years. Position Three term shall be for a period of three (3) years. Position Four term shall be for a period of four (4) years, and Position Five term shall be for a period of five (5) years. Following the initial appointment, each Commissioner shall be appointed for a term of five (5) years. (Ord. No. 172, Sec. 2)

2.38.02 Powers and duties of the Commission The Commission shall have the duty to oversee the operation of the Police Department and Fire Department subject to ratification of recommendations by the West Fork City Council. The Commission shall submit yearly to the Council estimates for budget requirements for each respective department. The Commission shall report to the City Council on a regular basis their recommendations, the activities of the respective departments and shall nominate candidates for the respective departments.

The Commission shall have the duty to, as far as practical, coordinate the activities of the respective departments but shall not in any manner attempt to combine those departments.

The Commission shall meet as often as they deem necessary; however, in no case shall they meet less often than bimonthly. They shall have the power to adopt internal rules of procedure governing their activities. (Ord. No. 172, Sec. 3)

CHAPTER 2.40**VOLUNTEER FIRE DEPARTMENT**Sections:

2.40.01	Created
2.40.02	Personnel; control and management
2.40.03	Appointment of Fire Chief
2.40.04	Other appointments
2.40.05	Duties of Fire Chief
2.40.06	Officers
2.40.07	Budget request
2.40.08	Training and rules
2.40.09	Fire fighting teams
2.40.10	Fire station custodians
2.40.11	Compensation
2.40.12	Records, reports
2.40.13	Firemen's Pension and Relief Fund
2.40.14	Outside fire service
2.40.15	Compensation
2.40.16	Salary of Fire Chief
2.40.17	Increases in compensation
2.40.18	Prior service unaffected

2.40.01 Created. There is hereby created a City Volunteer Fire Department to be officially known as "The West Fork Volunteer Fire Department." (Ord. No. 62, Sec. 1)

2.40.02 Personnel; control and management The West Fork Volunteer Fire Department shall consist of volunteer firemen who shall be classified as follows:

- A. Fire Chief
- B. Assistant Chief
- C. Captains
- D. Lieutenants
- E. Fireman

The number of firemen shall be determined by the Fire Department Officers.

The Fire Department shall be under the control and management of the Fire Chief, who shall be directly responsible to the Mayor and the City Council of West Fork. In the absence of the Fire Chief, the Assistant Chief shall assume command. The command shall transfer to the senior officer and then to the senior fireman on the scene if the Fire Chief or the Assistant Chief

is not on the scene. The Incident Command System shall be used and the officer in charge may pass the command to a more qualified person upon his arrival at the scene. The Fire Chief and the Assistant Fire Chief are responsible for the overall supervision of the West Fork volunteer Fire Department, coordination with local, county, state and federal agencies, establishing mutual aid agreements with other fire fighting units, preparing budgets and requesting adequate funds for the plans and operation of the West Fork Volunteer Fire Department and shall serve as the permanent representative on fire fighting matters to the West Fork City Council and the West Fork Rural Fire Protection Association. (Ord. No. 358, Sec. 3.)

2.40.03 Appointment of Fire Chief. The Fire Chief shall be appointed by the Mayor subject to confirmation by the West Fork City Council. The Mayor shall have the right to terminate the Fire Chief. The Mayor's termination of the Fire Chief may only be overridden by a 2/3 majority vote of the West Fork City Council. (Ord. No. 358, Sec. 4.)

2.40.04 Other appointments All appointments, other than the Fire Chief, in the Fire Department shall be made by the Fire Chief. The appointments shall be reported to the Mayor and the City Council at the next regularly scheduled City Council meeting. (Ord. No. 358, Sec. 5.)

2.40.05 Duties of Fire Chief The Fire Chief shall have the duty to operate and manage the Fire Department in such a manner as to protect life and property of the inhabitants of the city of West fork. The Fire Chief shall be responsible for the direction and performance of all Fire Department personnel and equipment belonging to the Fire Department. The Fire Chief is hereby authorized and directed to formulate and prepare such rules, regulations, and guidelines regarding Fire Department personal equipment, qualifications to serve, training and any other problem that might affect the well-being of the Fire Department and Firemen. (Ord. No. 358, Sec. 6.)

2.40.06 Officers. The Fire Chief shall appoint the following officers of the Volunteer Fire Department who shall have the responsibilities indicated:

Operations officer

- A. Schedules activities of the West Fork Volunteer Fire Department.
- B. Assists in the training of firemen.
- C. Supervises the qualification and employment of firemen.
- D. Coordinates communication requirements and operations.
- E. Supervises the status of equipment for adequacy and readiness for employment.
- F. Coordinates training and personnel requirements.
- G. Conducts liaison with local organizations and other fire departments.
- H. Ensures that all elements of the West Fork Volunteer Fire Department and all equipment is ready for re-employment upon completion of any activity.

- I. Monitors the employment of the resources of the West Fork Volunteer Fire Department in any emergency and call for timely additional support from other agencies if required.

Training officer

- A. Prepare training program to include:
 - 1. Annual requirements
 - 2. Semi-annual requirements
 - 3. Recurring qualification requirements
 - 4. Basic program for new personnel
- B. Schedule bi-weekly activities of the department to ensure program requirements are accomplished.
- C. Coordinate bi-weekly activities and schedule with operations and maintenance officers to ensure adequate time for maintenance of equipment and readiness requirements.
- D. Ensure that training results in plans for the employment of all equipment.
- E. Ensure that CPR Training and required refresher requirements are met.
- F. Establish training and qualification records for all members of the department.
- G. Supervise training in coordination with the operations officer.

Maintenance officer.

- A. Establish maintenance program for: Fire Fighting equipment to include pumps, hose, tools, protective clothing fire extinguishers, air packs and other equipment.
- B. Coordinate maintenance schedules with training officer.
- C. Recommend equipment replacement schedule in coordination with property officer.
- D. Ensure periodic testing of all equipment to ensure readiness for operation and employment.

Property officer.

- A. Establish records and control measures for property of the West Fork Volunteer Fire Department.
- B. Coordinate adequate control of property belonging to the West Fork rural fire Protection Association.
- C. Coordinate requirements and priorities for equipment.
- D. Establish program for replacement of equipment.

Communications officer.

- A. Responsible for coordinating and ensuring adequate radio and telephone communications for all elements of the West Fork Volunteer Fire Department.
- B. Ensure that Fire Station Base Stations is manned during any employment of any element of the department.
- C. Furnish location data from available books by radio to elements en route to fire locations.
- D. Coordinate communication requirements, training, operations and maintenance with operations, training and maintenance officers.

Security officer.

- A. Assist in clearing routes to location of employment of elements of the West Fork Volunteer Fire Department.
- B. Provide traffic and crowd control in areas of employment of fire fighting elements.
- C. Supervise adequate measures for security of facilities and firefighting equipment.
- D. Coordinate security with other county and state agencies.

Administrative officer.

- A. Establish and maintain required records for fire calls.
- C. Prepare reports as required for the West Fork Volunteer Fire Department.

2.40.07 Budget request Each year the West Fork volunteer Fire Department shall present a budget request to the West Fork City Council. Upon approval, this budget will be used to operate and maintain the West Fork Volunteer Fire Department. (Ord. No. 358, Sec. 7.)

2.40.08 Training and rules. There shall be held not less than two (2) meetings each month of the Department for the purpose of instructing and training and that all members shall attend unless excused for reasonable cause. That the West Fork Volunteer Fire Department shall adopt such rules as may be deemed necessary for the proper functioning of the Department, but that all such rules shall be subject to the approval of the City Council. (Ord. No. 62, Sec. 4)

2.40.09 Fire fighting teams.

- 1. Members will be assigned to a fire fighting team in such a manner as to ensure adequate fire fighting capabilities within each team.
- 2. Each team will include members with the following responsibilities and qualifications:

Team Leader
Assistant Team Leader
Hose Laying and Employment
Interior and Exterior Fire Fighters
Pump Operators
Vehicle Drivers
Mechanics
Radio Operator

2.40.10 Fire station custodians.

1. Coordinate requirements for maintenance of the West Fork Fire Station.
2. Recommend measures to ensure proper cleanliness and use of the Fire Station.
3. Maintain contact with other agencies using the Fire Station to ensure proper security.

2.40.11 Compensation. All members of the West Fork Volunteer Fire Department, who have been selected and approved as herein provided, shall receive the sum of \$00, for attendance upon and for service as each and every fire, or drill, where service at such being deemed to have been performed when the circumstances of such services are required or requested by the Fire Chief. (Ord. No. 62, Sec. 5)

2.40.12 Records, reports. The Fire Chief shall keep a record of the names of the members who attend the monthly meetings and who perform service at each fire and that he submit a full statement of the number of fires attended by each member to the City Council at its next regular meeting. (Ord. No. 62, Sec. 6)

2.40.13 Firemen's Pension and Relief Fund. The City Council shall, on or before the time fixed by law for levying county taxes, make out and certify to the County Clerk the rate of taxation levied by the city on the real and personal property within the city, not to exceed one (1) mill on the dollar of the assessed value, for the purpose of paying pensions to retired firemen and pensions to widows and minor children of deceased firemen and widows and minor children of deceased retired firemen as provided by law. The Council shall make the rate of taxation, not to exceed one (1) mill on the dollar of the assessed value of the real and personal property within the city, sufficient to raise and provide such amount of money as the Board of Trustees of the Firemen's Pension and Relief Fund certified to the Council will be required to pay pensions to widows and minor children of deceased firemen and widows and minor children of deceased retired firemen for the following year. If the amount certified to the Council by the Board of Trustees is more than a levy of one (1) mill will produce, the Council shall make the full levy of one (1) mill. All members of the Fire Department, whether past, present or future and whether they be paid, part-paid or volunteer firemen, their widows and minor children and who meet the

requirements established by the laws of the state for such eligibility, shall be included in the estimate of the amount of money required to pay pensions, which said Board is required to submit to the City Council, and all persons eligible to receive such benefits shall be entitled to receive them.

This code shall at all times conform to state law governing the Firemen's Pension and Relief Fund and any amendment to such state law shall automatically amend this code to assure compliance with state law.

STATE LAW REFERENCE-See Amendment 31, Ark. Const.; Hdbk. 33-1.1 - 33-1.38

2.40.14 Outside fire service The West Fork Volunteer Fire Department and the West Fork Rural Fire Protection Association operate and share equipment to serve residents in the designated 911 West fork area, subject to any existing Mutual Aid Agreements. (Ord. No. 358, Sec. 8.)

2.40.15 Compensation Members of the West Fork Volunteer Fire Department shall receive compensation for each response, the purpose of which is to reimburse the fire fighters for their expenses per response. Training meetings, regular meetings, fire calls, service calls and medical calls shall be included as responses. Four Thousand Dollars (\$4,000.00) shall be set aside each year to compensate members of the West Fork Volunteer Fire Department for their expenses incurred during responses. This amount of Four Thousand Dollars (\$4,000.00) shall be divided by the total number of responses that are made by each fireman in order to determine the amount awarded to each fireman per response. However, in the utilization of this formula to determine the amount awarded per response, in no case shall the amount awarded each fire fighter exceed Five Dollars (\$5.00) per response. (Ord. No. 358, Sec. 9.)

2.40.16 Salary of Fire Chief The Fire Chief is hereby made a part time employee of the city of West Fork and the Fire Chief shall be paid a monthly salary in an amount to be determined by the West Fork City Council in its budgeting process. In addition to the aforementioned monthly salary, the Fire Chief shall receive compensation for each response on the same formula outlined in 2.40.15 as the other members of the West Fork Volunteer Fire Department, with the understanding that in no case shall he receive in excess of Five Dollars (\$5.00) per response. Training meetings, regular meetings, fire calls, service calls and medicals shall be included as responses. (Ord. No. 358, Sec. 10.)

2.40.17 Increases in compensation The West Fork City Council is hereby authorized to increase the rate of compensation referred to in 2.40.15 by resolution without the necessity of amending this ordinance. (Ord. No. 358, Sec. 11.)

2.40.18 Prior service unaffected Accumulated service time as it applies to and affects promotions, rank retirement, pensions and other related benefits of current members of the West

Fork Volunteer Fire Department shall in no way be affected by the passage of this ordinance. All such rights, privileges and rank shall continue in full force and effect. (Ord. No. 358, Sec. 12.)

CHAPTER 2.42

POLICE DEPARTMENT

Sections:

- 2.42.01 Created
- 2.42.02 Police Commission
- 2.42.03 Term of commissioners
- 2.42.04 Powers of commissioners
- 2.42.05 Chief of Police

2.42.01 Created. There is hereby created a City Police Department.

2.42.02 Police Commission. There is hereby created a City Police Commission to consist of three (3) qualified electors of the city at least two-thirds (2/3) of said Commission shall not hold any other elective or appointive municipal office. The members of the Commission shall be confirmed by the City Council upon nomination by the Mayor.

2.42.03 Term of commissioners. Each commissioner shall be appointed for a term of five (5) years. Each commissioner shall file the oath required of public officials by the laws of this state; any such commissioner may be removed upon a two-thirds (2/3) vote of the members of the City Council.

2.42.04 Powers of commissioners. The Commission shall have full and complete authority to oversee the operation of the Police Department and/or the Marshall's office. The Commission shall submit yearly to the City Council estimates for budget requirements. The Commission shall report to the City Council at the June and November Council meeting on the activities of the Commission and Police Department including suggestions on needs, problems and accomplishments. The commissioners shall nominate candidates for the Police Department including the Chief of Police, to the City Council who shall make the appointments by majority vote of the City Council.

2.42.05 Chief of Police. The Chief of Police shall assume those duties assigned by the West Fork Municipal Code to the Marshall (Chapter 2.44) and shall have the title of Marshall. The Chief of Police shall report to the Police Commission excepting where specified reports shall be submitted to the City Council. The Chief of Police shall have supervision control over all members of the Police Department.

CHAPTER 2.44

MARSHAL

Sections:

- 2.44.01 Appointment and removal of Marshal
- 2.44.02 Duties of Marshal
- 2.44.03 Compensation

2.44.01 Appointment and removal of Marshal. Such Marshal shall be appointed by the Mayor and approved by a majority of the City Council. Such Marshall shall be subject to removal by the Mayor upon approval of a majority of the Council.

STATE LAW REFERENCE-Appointment of Marshall, Hdbk. 4-9.1

2.44.02 Duties of Marshal. The Marshal shall be the head of the department and shall be fully responsible for the operation of the department and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of city funds therein. He shall make periodic reports to the City Council concerning the operation and equipment of the department and such other matters as shall be determined necessary by the City Council. Other duties shall be such as are fixed by the laws of the state and ordinances of the city.

STATE LAW REFERENCE-For statutory provisions pertaining to duties of Marshal, Hdbk. 4-9.2 - 4-9.3

2.44.03 Compensation. The rate of pay for members of the Marshal's office shall be determined by the City Council, from time to time.

CHAPTER 2.48

DISTRICT COURT

Sections:

2.48.01 District Court established

2.48.01 Court established. The City Council hereby ordains in compliance with Act 251 of 1985 that there shall be reestablished a District Court in and for the city of West Fork, Washington County, Arkansas. (Ord. No. 165, Art. I)

CHAPTER 2.52

SALARIES OF CITY EMPLOYEES

Sections:

2.52.01 Includes pay for holidays
2.52.02 Vacation time
2.52.03 Sick leave
2.52.04 Employee insurance
2.52.05 Personal time

2.52.01 Includes pay for holidays. The appropriations made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to uniformed employees, as provided by the laws of the State of Arkansas.

Holidays - Official holidays to be observed by the city for which employees will be compensated:

New Year's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Friday following Thanksgiving
One-half day on Christmas Eve
Christmas Day
(Ord. No. 319, Sec. 1)

2.52.02 Vacation time. Employee vacation time shall be based on length of service with the City pursuant to the following table:

<u>Fully Completed Year of Service</u>	<u>Paid Vacation Time</u>
	1 week
1 year	2 weeks
3 years	3 weeks
7 years	4 weeks
15 years	

Employees shall schedule their vacation time with a minimum consecutive time of one (1) week unless approval for a shorter vacation period is received from the department head in advance.

Vacation time shall be scheduled with the department head in advance.

Vacation time may not be accumulated from year to year. Any unused vacation time shall expire at the end of the year in which it accrues.

Unused vacation time will not be monetarily compensated for. (Ord. No. 153, Sec. 1)

2.52.03 Sick leave. Sick leave shall be earned and accrued in the following manner:

<u>Fully Completed Years of service</u>	<u>Days of Compensable Sick Leave</u>
1 Year	7 days
5 Years	14 days

Unused sick leave shall not be accumulated from year to year. Unused sick leave shall expire at the end of the fiscal year for which it accrued. Employees shall be monetarily compensated for unused sick leave at that individuals regular pay rate for up to the maximum of fourteen (14) days. (Ord. No. 287)

2.52.04 Employee insurance. Each full-time employee of the City of West Fork shall be covered one hundred percent (100%) for the cost of Arkansas Municipal League Health Insurance either for the individual employee or the employee and dependents.

2.52.05 Personal time. Personal leaves and leaves for personal time are hereby abolished. No compensation shall be paid to employees during any absence from work for personal reasons. (Ord. No. 153, Sec. 3)

CHAPTER 2.54

PERSONNEL POLICY MANUAL

Sections:

- 2.54.01 Definitions
- 2.54.02 Employment policies
- 2.54.03 General employee benefits
- 2.54.04 Matters affecting the status of employees
- 2.54.05 Standards of conduct
- 2.54.06 Controlled substance drugs and alcohol policy
- 2.54.07 Controlled substance and alcohol testing for safety sensitive positions
- 2.54.08 Controlled substance and alcohol testing for DOT positions
- 2.54.09 Compliance with the Drug Free Workplace Act of 1988
- 2.54.10 Miscellaneous information

2.54.01 Definitions

Department head means a person who is responsible for the administration of a department.

Employee means a full-time hourly, monthly, or salaried employee on a permanent basis with the city of West Fork.

Employer means the city of West Fork and refers to all departments.

Governing body means the City Council

Immediate family means mother, father, brother, sister, son, daughter, grandparents, grandchild, son-in-law, daughter-in-law, spouse, spouse's immediate family, or other relatives who live in the employee's household including "step" relatives.

Part-time employee means an employee who works on an hourly basis when, and as needed, (less than 32 hours a week). These employees do not receive any benefits listed in 2.54.03 and 2.54.04 of the Personnel Handbook.

Full-time employees means any employee, either hourly, monthly, or salaried, who is on a permanent basis with the city and works 32 hours per week or more.

Regular earnings means the amount an hourly worker would normally earn during a pay period.

Regular salary rate means the amount paid to a worker paid on a monthly basis.

Work week means any one shift during which a department is open for business or on which an employee is scheduled to work.

Work week means a period of time consisting of seven (7) consecutive days.

Classified personnel means employees who are eligible to receive overtime pay in accordance with the provisions of the most recently adopted pay and classification plan.

Unclassified personnel are employees who are exempt from the overtime requirements of the Fair Labor Standards Act, and/or whose position is listed in the unclassified section of the most recent pay and classification plan. (Ord. No. 02-08, Sec. 1.)

2.54.02 Employment policies

- A. **Equal opportunity employer** The city of West Fork is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.
- B. **Gender statement** In drafting the Personnel Policy Handbook, we have avoided the specific use of gender pronouns where possible. However, where such avoidance would have led to awkward sentences, we have used the masculine pronoun. This reference should be considered to refer to both genders alike.
- C. **At-will employer** The city of West Fork is an at-will employer. This means that the city of West Fork or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on any thing but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All city employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the city's at-will employment policy nor does it create an employment contract for any period of time.

- D. **Authority to hire and fire** The department heads of the city of West Fork serve at the will of the Mayor. The department head has specific authority to hire and/or fire other non-department head employees of the city. The department head for the Water and Wastewater Department serves at the will of the Water and Wastewater Commission. The department head of the Water and Wastewater Department has specific authority to hire and/or fire employees for the department.
- E. **Job posting and advertising** An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the office of the City Clerk of the city of West Fork.

In the event of a job opening, the position or positions open will be announced and posted in the newspaper with local circulation at least ten (10) days prior to the deadline for receiving applications.

Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the department head shall make the final decision with respect to hiring new employees and promoting existing employees.

- F. **Post offer/pre-employment physicals** Per-employment physicals will be required for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the city of West Fork. These medical files shall be maintained in the physician's office with a summary report provided to the department head whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the department head. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant's passing such examination.

Reports and records of all physical, psychological and mental examinations shall be kept in the offices of the physicians or mental health practitioner with only a summary report provided to the department head to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the examination, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel with the city government.

- G. Fitness for duty examination** Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the examination and other job restructuring factors, the department head shall take such action that is necessary for the service of the job.
- H. The Omnibus Transportation Employee Testing Act of 1991** It is the city of West Fork's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees who have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The act required alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow-up testing. The city of West Fork will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the city of West Fork the city's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's substance abuse policy.
- I. Other drug and alcohol testing** Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances as outlines in the city's policy on this subject. All employees must obtain from the city of West Fork the city's written substance abuse policy. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the city's substance abuse policy. (Ord. No. 02-08, Sec. 2.)

2.54.03 General employee benefits

A. Vacations

Police Department The Chief of the Police Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay A.C.A. 14-52-106.

Fire Department The Chief of the Fire Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) days with full pay A.C.A.14-53-107.

Non-uniformed employees Vacation time is granted to all employees who have completed one year of service.

Vacation time shall be based on length of service with the city pursuant to the following table:

Fully completed year of service	Paid vacation time
1 year	1 week
3 years	2 weeks
7 years	3 weeks
15 years	4 weeks

Vacation time is granted to all employees who have completed twelve (12) months of service.

The employee becomes eligible for vacation on the employee's anniversary date. Employees shall schedule their vacation time with a minimum consecutive time of one (1) week unless approval for a shorter vacation period is received from the department head in advance. Vacation time shall be scheduled with the department head in advance. Vacation time may not be accumulated from year to year.

Any unused vacation time shall expire at the end of the year in which it accrues. Unused vacation time will not be monetarily compensated.

If a city holiday occurs during the calendar week in which a vacation period is scheduled for an employee, the employee's vacation shall be extended for one (1) additional working day.

The uniformed employees of the Police and Fire Departments shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes. It should be understood that policies concerning vacation time for non-uniformed employees are simply a suggested method of computing vacation time. This suggested method in no way alters the city of West Fork at-will employment policy as described on page 1 of the Personnel Policy Manual.

- B. Holidays and holiday pay** The appropriations made by the City Council for salaries shall include additional pay for holidays for all agents, servants, and employees of the city, including but not limited to uniformed employees, as provided by the laws of the state of Arkansas.

Holidays – Official holidays to be observed by the city for which employees will be compensated:

New Year's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Friday following Thanksgiving
One-half day of Christmas Eve
Christmas Day

- C. Sick Leave**

Police Department All law enforcement officers, regardless of their titles, such as City Marshal, employed by cities of the first and second class or incorporated towns shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment.

If unused, sick leave shall accumulate to a maximum of sixty (60) days unless the city of West Fork, by ordinance authorizes the accumulation of a greater amount, in no event to exceed a maximum accumulation of ninety (90) days, except for the purpose of computing years of service for retirement purposes.

In cities having sick leave provisions through ordinance, the total sick leave accumulated by the individual officer shall be credited to him and new days accumulated under the provisions of this section until the maximum prescribed above is reached.

Time-off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No such sick leave as provided in this section shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a police officer, upon retirement or death, shall not exceed ninety (90) days salary.

Fire Department Firefighters shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days A.C.A. 14-53-108.

Time-off may be charged against accumulated sick leave only for such days that a firefighter is scheduled to work. No sick leave, as provided in this section, shall be charged against any firefighter during any period of sickness, illness or injury for any days which the firefighter is not schedules to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any firefighter has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when firefighter's employment ends for any reason other than death or retirement.

Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary.

Non-uniformed employees The city of West Fork recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of West Fork provided paid sick leave to full-time employees. Sick leave will accrues at the rate of one and one fourth (1 ¼) working days per month.

Eligible sick leave days will be for the following reasons:

1. Personal illness or physical incapacity.
2. Quarantine of an employee by a physician or health officer.

3. Illness in the immediate family, which would require employee to take care of the family member(s). Immediate family shall include mother, father, brother, sister, son, daughter, grandparents, grandchild, son-in-law, daughter-in-law, spouse, spouse's immediate family, or other relative who live in the employee's household including "step" relatives.
4. Medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employee's supervisor or someone acting for the employee's supervisor within two (2) hours of the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to unconfirmed illness may be required by the supervisor or department head to submit a physician's statement. Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (1/2) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving worker's compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to an amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six (6) months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the city.

Unused sick leave shall not accumulate from year to year. Unused sick leave shall expire at the end of the fiscal year for which it accrued. Employees shall be monetarily compensated for unused sick leave at that individual's regular pay.

- D. Funeral or bereavement leave** Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only. Immediate family shall include mother, father, brother, sister, son, daughter, grandparents, grandchild, son-in-law, daughter-in-law, spouse, spouse's immediate family, or other relative who live in the employee's household including "step" relatives.

Travel time may be granted upon prior approval of the department head in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The department head may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

- E. Maternity leave** Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave of the employee will be granted for maternity use after which leave without pay must be used.
- F. Uniformed services** Employees who are members of a military service organization or National Guard Unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time A.C.A. 21-4-102.
- G. Family medical leave** The Family Medical Leave Act (FMLA) of 1993 required cities offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Eligible city employees may take up to twelve (12) weeks of unpaid leave for the following reasons:

 - 1. The birth and care of the employee's child; the placement of a child into an employee's family by adoption or by foster-care arrangement;
 - 2. The care of an immediate family member (spouse, child or parent) who has a serious health conditions; and
 - 3. The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job.

The Federal Act requires that the city maintain the employee's health coverage under any group plan during the time the employee is on Family Medical Leave Act leave. To be eligible for the Family Medical Leave Act benefits employees must:

- 1. Be employed by the city for at least one year;
- 2. Have worked 1,250 hours over the previous twelve (12) months preceding the leave request.

City employees must use vacation or accrued leave before Family Medical Leave Act leave will be granted. City employees are required to provide advance leave notice, in writing, (at least 30 days) to the employee's supervisor when leave is foreseeable (such as childbirth, adoption or planned medical treatment or as early as possible if the leave taken is not foreseeable 30 days in advance). The city requires written medical certification that the leave is needed due to the employee's own serious health condition or that of a family member. Depending on each individual situation, the city may require a fitness for duty report to return to work.

The city understands that upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms. Furthermore, the use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

- H. Court duty leave** Employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the department head a copy of the summons or other relevant court-related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

Firefighters are no longer exempt from jury duty. The statute providing for exemption, 14-53-103, was repealed in 1997.

- I. Miscellaneous leave** The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance at these meetings must be pre-approved by the department head. The city will pay all reasonable out-of-pocket expenses for lodging, travel cost, meals, etc., pursuant to its regular expense policy.
- J. Employee health benefits** Each full-time employee of the city of West Fork shall be covered one hundred percent (100%) for the cost of Arkansas Municipal League Health Insurance either for the individual employee or the employee and dependents.
- K. Occupational injuries** All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated.

- L. Accidental injury** If any full-time employee is involved in an accident (not job related) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred. (Ord. No. 02-08, Sec. 3.)

2.54.04 Matters affecting the status of employees

- A. Attendance** Employees shall be in attendance at their workstations in accordance with the rules and regulations established by the City Council.
- B. Work hours** Except for police officers and firefighters, work hours for all full-time employees shall be forty (40) hours per week, which begin each Friday at 5:00 p.m. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.

The city reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of West Fork. In an emergency, previously schedules hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable. Whenever possible, employee work schedules shall provide a 15 minute rest period during each four-hour work shift. One hour off, unpaid, will be provided for a meal.

- C. Personal leave** Personal time is hereby abolished. No compensation shall be paid to employees during any absence from work for personal reasons.
- D. Overtime** Hourly employees will be paid overtime for hours worked in excess of the hours per week set forth in the WORK HOURS section of this handbook. The rate of pay for overtime shall be one and one-half (1 ½) the employee's normal hourly rate.

Upon the direction or approval of the department head, compensation for overtime may be made in the form of compensatory leave to the employee. The overtime record of the department head shall be final with respect to the number of compensatory leave days earned by an employee. Compensatory leave must be taken within 30 days from time earned and should be scheduled in the same manner required for vacation days with the approval of the department head.

- E. Uniform/personal appearance policy** The city business manager and the City Council shall provide uniforms or uniform allowances to personnel of certain departments as authorized. Personnel provided uniforms or uniform allowances

shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Personnel shall be provided uniforms acquired by the city which shall be laundered and cared for by the city and which shall remain the property of the city or the uniform rental agency.

Employees not required to wear uniforms should dress in appropriate professional department attire. If an employee is not sure what is appropriate attire, then the employee should check with his supervisor or department head.

- F. Vacancies and promotions** It is the intent of the city of West Fork to hire and promote the most qualified applicant for all vacant positions. To give the employees of the city of West Fork an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.

In accordance with equal employment guidelines and this manual, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request. The final decision regarding promotions shall be made by the City Council upon the recommendation of the department head.

- G. Training** The city of West Fork is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the city for various job, each employee has a responsibility of ascertaining for himself that he has sufficient training to enable him to perform his job. If the employee feels that additional training is needed, he should notify his department head. Expenses incurred in on-the-job training will be paid by the city.

- H. Vehicles** Various vehicles are used in almost every department in the city of West Fork. Since these vehicles are public property, two categories have been set up regarding the use of all city-owned vehicles.

1. General use: these are vehicles that the employees operate while working for the city. The vehicles are kept in an assigned place and used when they are needed for a job and then they are returned to their assigned place.
2. Privilege use: city vehicles including those assigned to an individual position or employee shall be used for city purposes only.

Persons other than city employees may be passengers in city vehicles:

1. If they are on city related business or in the custody of city officials.
2. If they are members of the driver's family and the vehicle is being used in the course of city business.
3. In emergency situations.

City vehicles may be taken home by department heads and other city employees who are subject to call during "off-duty" hours as designated by the department head provided the department head or the employee taking the vehicle home does not live more than one mile outside the West Fork city limits. Employees who are assigned city vehicles and who are subject to call during "off-duty" hours and who do not take city vehicles home shall be compensated for their use of personal vehicles on emergency calls.

When travel has been approved, the policy regarding reimbursement for use of private vehicles for city business for the city of West Fork is allowable as mandated by federal regulations.

- I. Performance evaluations** To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary.

Consistent with this goal, an employee's performance should be evaluated by the supervisor on an on-going basis. Final evaluations are normally done annually.

All written performance reviews should be based on the employee's overall performance in relation to the employee's job responsibilities and also should take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's supervisor at any time to advise the employee of his current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.

It should be noted that a performance evaluation does not necessarily mean a salary adjustment.

Any employment action including performance evaluations should be thoroughly documented and placed in chronological order within his/her personnel file.

- J. Job safety** Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If any employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method.

Unsafe conduct is misconduct. The following safety rules should always be observed:

1. Follow all departmental safety rules.
2. Use all mechanical safeguards on or for employee equipment.
3. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
4. Immediately report any unsafe or potentially unsafe working condition or equipment.
5. Immediately report any and every accident to the supervisor or department head.

- K. Refusal to work** A city employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the city of West Fork.

- L. Resignation/termination** Employees desiring to terminate their employment relationship with the city of West Fork are urged (but not required) to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice, however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire are urged to provide the city with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

As mentioned elsewhere in this handbook, all employment relationships with the city of West Fork are on an at-will basis. Thus, although the city of West Fork hopes that the relationship with employees are rewarding, the city reserves the right to terminate the employment relationship of any employee at any time. (Ord. No. 02-08, Sec. 4.)

2.54.05 Standards of conduct

- A. Conduct toward the public** Employees of the city of West Fork shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the city.

In dealing with the public, each employee must attempt to make his conduct one, which inspires respect for both himself and the city, and further, one that generates the cooperation and approval of the public.

Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public, as he would like to be treated: with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be over-emphasized.

When an employee is not certain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department that can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

- B. Unlawful harassment** The city of West Fork expressly prohibits its officials or employees from engaging in any form of unlawful harassment of employees based on race, religion, color, gender, national origin, age, disability or status as a veteran or special disabled veteran.

Harassment is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of race, sex, religion, national origin, age (over 40) or disability. Harassment may include, but is not limited to the following actions:

1. Verbal abuse or ridicule;
2. Interference with an employee's work;

3. Displaying or distributing sexually offensive, racist or other derogatory materials;
4. Discriminating against any employee in work assignments or job-related training because of one of the above referenced biases;
5. Intentional physical contact with either gender-specific portions of a person's body or that person's private parts;
6. Making offensive sexual, racial or other derogatory remarks, hints or impressions.
7. Demanding favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

It is every employee and official's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:

1. An employee should report harassment or suspected harassment immediately to the department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor or grievance coordinator in the chain of command. This complaint should be made in writing.
2. Anytime an employee has knowledge of harassment he/she shall inform the department head or grievance coordinator in writing.
3. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

The city of West Fork will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

- C. Guidelines for appropriate conduct** An employee of the city of West Fork is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city.

Whether an employee is on-duty or off-duty, his or her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.

Types of behavior and conduct that the city consider inappropriate include, but are not limited to, the following:

1. Falsifying employment or other city records;
2. Violating any city non-discrimination and/or harassment policy;
3. Soliciting or accepting gratuities from citizens;
4. Excessive absenteeism or tardiness;
5. Excessive, unnecessary or unauthorized use of city property;
6. Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
7. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
8. Fighting or using obscene, abusive or threatening language or gestures;
9. Theft of property from co-workers, citizens or the city;
10. Unauthorized possession of firearms on city premises or while on city business;
11. Disregarding safety or security regulations;
12. Insubordination;
13. Neglect or carelessness resulting in damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.

- D. Absenteeism and tardiness** The city of West Fork expects all its employees to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, city government as a whole and the taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should give proper notice to his or her supervisor. Unexcused absences and tardiness could result in disciplinary action.

"Proper notice" is defined by the city to be notice in advance of the time an employee should report for work or not later than two (2) hours thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof (other than an absence authorized by this personnel handbook or by law), that is not authorized in advance by the department head or the employee's supervisor should be deemed absent without leave. Such absence shall be without pay and could result in disciplinary actions.

- E. Inclement weather** In exceptional circumstances beyond the employee's control, such as weather-causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular workday. If an employee's department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisors proper notice if he or she is unable to report for work.
- F. Outside employment or moonlighting** If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head, business manager and Mayor for approval.

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the department head.

No outside employment shall be approved if such employment would require or induce a city employee to disclose any information acquired by reason of city employment that is declared by law or regulation to be confidential.

No city employees shall disclose any such information gained by reason of city employment, nor shall a city employee otherwise use such information for personal gain or benefit.

- G. Voting** City employees are encouraged to exercise their legal right to vote, if necessary, reasonable time will be granted for the purpose.
- H. Political activity** No employee shall involve the city's name, symbols, property, or supplies in political activities; provided, an employee who is a candidate for elected office may state his/her position with the city, the duties and responsibilities, and the length of service.

Thirty days before any primary, runoff, or general election, in which the employee has an opponent, an employee who becomes a candidate for the Arkansas General Assembly or for any national, state, or county office which is a paid, full-time position shall take accumulated paid vacation or shall be placed on leave of absence without pay; provided no employee shall become a candidate for a position on the West Fork City Council without first resigning from city employment.

An employee who is elected to a full-time county, statewide, or national office may be placed on leave of absence without pay for up to two years or may be terminated at the discretion of the City Council. An employee elected to the Arkansas General Assembly must take a leave of absence without pay when the General Assembly is in regular or extraordinary session.

No employee shall engage in any political activity infringing to any extent upon the full discharge of the employee's job responsibilities, or while on duty. No employee shall engage in any political activity, which creates an actual or apparent threat to the efficiency and integrity of the West Fork municipal government.

No city employee shall participate in the election campaign of any candidate for the West Fork City Council. No city employee shall solicit or accept a campaign donation on behalf of any candidate for the West Fork City Council.

- I. Outside compensation** Employees of the city for the performance of their duties as employees of the city shall receive no reward, gift or other form of remuneration in addition to regular compensation from any source. If a reward, gift or other form or remuneration is made available to any employee; it shall be credited to a designated employee fund with approval of the department head, business manager, and Mayor.
- J. Use of narcotics, alcohol and tobacco** Employees of the city of West Fork shall not use habit-forming drugs, narcotics or controlled substances unless a physician properly prescribes such drugs.

It is a smoke free environment within all city buildings.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination. (Ord. No. 02-8, Sec. 5.)

2.54.06 Controlled substance drugs and alcohol policy

Purpose The city of West Fork absolutely endorses a drug and alcohol-free workplace. The use and abuse of controlled substance drugs and alcohol not only affects productivity, but eh safety and well-being of employees, the public at large, and may cause property damage. This policy has been adopted in the interest of assuring a more safe, efficient and drug-free workplace and to comply with the Federal Motor Carrier Safety Regulations (49 CFR Part 382) and the Drug Free workplace Act of 1988. Additionally, there is a great public concern that those persons who drive or who hold safety sensitive positions are unimpaired by the effects of drugs or alcohol. While no system will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with possible drug and alcohol abuse among city employees. (Ord. No. 02-8, Sec. 6.)

2.54.07 Controlled substance and alcohol testing for safety sensitive positions

- A. Policy** This city policy provides for testing for drug and alcohol abuse by employees who hold safety sensitive positions which otherwise are not covered by the controlled substance screening requirements of the Federal Motor Carrier

Safety Regulations. Responsibility for identifying covered positions rests with the Personnel Division with approval by the Personnel Committee.

A safety sensitive position is defined as a job:

1. Where the compelling issue of public safety and security cannot be compromised, including, but not limited to, police protection, fire protection, and positions that involve the supervision of citizens or;
2. Where the duties of the position require the employee to regularly drive and assume the attendant risks of a vehicular accident involving possible injury to the employee, to fellow employees, or to citizens, or possible property damage. Provisions of this policy are essentially the same as the Department of Transportation (DOT) requirements. Actual drug and alcohol tests will be administered by an approved collection site in conformance with the same criteria required by DOT.

B. Procedure

Drug use prohibited An employee of the city of West Fork is absolutely prohibited from using a Schedule 1 drug of the Schedule of Controlled Substances of the Drug Enforcement Agency or an amphetamine, narcotic or any other habit forming drug except where legally prescribed by a medical doctor. The schedule of drugs includes opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. This means that an employee shall not consume any of these controlled substances while on or off the job.

Impairment prohibited An employee is not to report for work while impaired by alcohol of any drug or controlled substance. An employee may use a substance administered by or under the instructions of a physician who has specifically advised the employee that the substance will not affect the employee's ability to perform his or her job function or to safely operate a motor vehicle.

Impaired means under the influence of alcohol or a substance such that the employee's motor sense (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be presumed affected.

Possession prohibited An employee will not possess at any work site any quantity of alcohol or any substance, lawful or unlawful, which could result in impaired performance, with the exception of a substance administered by or under the instruction of a physician. "Work site" means any motor vehicle, office,

building, yard, off-premises construction site, property operated by the city, or any other location at which the employee is to perform work. "Possess" means to have either in or on the employee's person, personal effects, motor vehicle or areas substantially entrusted to the control of the employee.

Any violation of these prohibited activities is cause for disciplinary action. A second incident by any employee involving any of the listed prohibited activities is cause for termination. Disciplinary action will be determined in all instances by the department head and the personnel committee.

Substance screening For purposes of assuring compliance with this policy, both employees and new applicants for safety sensitive positions will be subject to drug screening under the circumstances described below. Substance screening means testing of urine to determine use or impairment. Alcohol screening means testing with an evidential breath-testing device.

1. Applicants. Any offer of employment to an applicant for safety sensitive jobs is contingent upon the results of a substance-screening test. Refusal to submit to such a screening will make it impossible to qualify the applicant, and the applicant cannot be hired.
2. Employees. The substance and alcohol screening of employees will be in accordance with the circumstances described below.

Reasonable cause testing When there is reasonable evidence to suspect an employee has reported to work or is working impaired, the employee may be subject to substance and/or alcohol screening. Refusal to submit to such screening will be considered as a positive result, and will result in the employee being immediately disqualified to perform his or her duties with disciplinary consequences.

Random testing Employees will be subject to substance and alcohol screening at any time while on duty, on a random basis, as a term and condition of holding a safety sensitive job covered by this policy. Any refusal of an employee to submit to random screening will be considered as a positive result, and will result in the employee being immediately disqualified to perform his or her duties with disciplinary consequences.

Test results the test results will be reviewed to determine whether there is any indication of controlled substance use or alcohol consumption. The results are confidential. The city's business manager will be the sole custodian of the individual drug test results. The business manager will advise the city's personnel

committee only if the test results were negative, or positive, and which of the drugs were detected in the employees' system. The employee or applicant will have the opportunity to talk to the business manager before positive controlled substance results are given to the city personnel committee. Test results will not be released by the business manager to any other person or employer without written authorization of the individual tested.

Suspension from duty An employee under the influence of alcohol or a controlled substance cannot report for work or remain at work. Therefore, if an employee on duty tests positive for drugs and/or alcohol, the employee at a minimum will immediately be disqualified to perform his or her safety sensitive duties pending a management review to determine possible reassignment to a non-safety sensitive job or leave without pay.

An employee who tests positive for a controlled substance may be referred to a Substance Abuse Professional for treatment. Before returning to work, evidence of compliance with any recommended treatment and a release to return to work must be provided. Before resuming regular duties in a safety-sensitive job, the employee must also pass a confirming drug test. Upon returning to work the employee may be subject to additional unannounced follow-up testing for drugs if deemed appropriate by the Substance Abuse Professional. (Ord. No. 02-8, Sec. 7.)

2.54.08 Controlled substance and alcohol testing for DOT positions

A. Policy This policy has been adopted by the city of West Fork in order to assure a safe, efficient and drug free workplace, and to comply with the Federal Motor Carrier Safety Regulations (49 CFR part 382). This section covers employees required by Federal Regulations to have a commercial driver's license (DOT positions). There is a great public concern that those persons who drive commercial vehicles do so in a proper workmanlike manner, unimpaired by the effects of drug or alcohol abuse. While no system will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with possible drug and alcohol abuse among city employees.

B. Procedure

Drug use prohibited A driver whose job requires a commercial driver's license is absolutely prohibited from using a Schedule 1 drug of the Schedule of Controlled Substances of the Drug Enforcement Agency or an amphetamine, narcotic or any other habit-forming drug except where permitted by the Federal

Motor Carrier Safety Regulations. The schedule of drugs includes opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. This means that the driver shall not consume any of these controlled substances while off-duty or on-duty.

Impairment prohibited A driver is not to report for work or drive while impaired by alcohol or any drug or controlled substance. A driver may use a substance administered by or under the instructions of a physician who has specifically advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle. Impaired means under the influence of alcohol or a substance such that the driver's motor sense (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be presumed affected.

Possession prohibited A driver will not possess at any work site any quantity of alcohol or any substance, lawful or unlawful, which could result in impaired performance, with the exception of a substance administered by or under the instructions of a physician. "Work site" means any motor vehicle, office, building, yard, off-premises construction site, property operated by the city, or any other location at which the driver is to perform work. "Possess" means to have either in or on the driver's person, personal effects, motor vehicle or areas substantially entrusted to the control of the driver.

Any violation of these provisions is cause for disciplinary action. A second incident by any driver involving any of the listed prohibited activities is cause for termination. Disciplinary action will be determined in all instances by the department head and the personnel committee.

Substance screening For purposes of assuring compliance with the Federal Motor Carrier Safety Regulations and the policy, both employee drivers and new applicants for positions as drivers will be subject to drug screening under the circumstances described below. Substance screening means testing of urine to determine use or impairment. Alcohol screening means testing with an evidential breath-testing device.

1. **Applicants.** Any offer of employment to an applicant for a job requiring a commercial driver's license is contingent upon the results of a substance and alcohol screening test. Refusal to submit to such a screening will make it impossible to qualify the applicant, and the driver cannot be hired.
2. **Employees.** The substance and alcohol screening of drivers will be in accordance with the circumstances described below.

Reasonable cause testing When there is reasonable evidence to suspect a driver has reported to work or is working-impaired, the driver may be subject to substance and/or alcohol screening. Refusal to submit to such screening will be considered as a positive result, and will result in the driver being immediately disqualified to drive, with disciplinary consequences.

Post-accident testing Any driver involved in a US DOT 390.5 accident must submit to substance and alcohol screening. Refusal to submit to such a screening will place the driver in violation of the Federal Motor Carrier Safety Regulations. In accordance with Federal Regulations, the driver will lost his or her CDL for one year in the event of a fatality accident if (A) the urine results are positive or (B) the driver refuses to give a urine sample.

Random testing Drivers will be subject to controlled substance and alcohol screening at any time on a random basis, as a term and condition of holding a position as a driver. Any refusal of a driver to submit to random screening will be considered as a positive result, and will result in the driver being immediately disqualified to drive, with disciplinary consequences.

Test results The test results will be reviewed to determine whether there is any indication of controlled substance abuse or alcohol consumption. The results are confidential. The city's business manager will be the sole custodian of the individual drug test results. The business manager will advise the city's personnel committee only if the test results were negative or positive, and which of the drugs were detected in the driver's system. The driver or applicant will have the opportunity to talk to the business manager before positive results are given to the city's personnel committee. The test results will not be released to any other person or employer without written authorization of the individual tested.

Suspension from duty Subpart B of Section 382 of the Federal Motor Carrier Safety Regulations provide that a driver under the influence of alcohol or a controlled substance cannot report for work or remain at work when he or she is required to perform safety sensitive functions. Therefore if a driver on duty tests positive for drugs and/or alcohol, the driver at a minimum will immediately be disqualified from driving or performing any safety sensitive duties.

A driver with a breath alcohol concentration of .02 but less than .04 will be suspended for a minimum of 24 hours and must pass a confirming test indicating a BAC of less than .02 before returning to work. A driver who tests over .04 will be referred to a Substance Abuse Professional for treatment. Before returning to work as a driver or performing safety sensitive duties, evidence of compliance

with any recommended treatment and a release to return to work must be provided. The driver must also pass a confirming test indicating a BAC of less than .02.

A driver who tests positive for a controlled substance will immediately be placed on leave without pay and referred to a Substance Abuse Professional for treatment. Before returning to work as a driver or performing safety sensitive duties, evidence of compliance with any recommended treatment and a release to return to work must be provided. Before returning to work the driver must also pass a confirming drug test. Upon returning to work the driver may be subject to additional unannounced follow-up testing for alcohol or drugs if deemed appropriate by the Substance Abuse Professional. (Ord. No. 02-8, Sec. 8.)

2.54.09 Compliance with the Drug Free Workplace Act of 1988

- A. **Policy** The city intends to pursue opportunities for grants from time to time. As a condition for receiving a grant from a granting agency, the city must certify compliance with the Drug Free Workplace Act of 1988.
- B. **Procedure** All employees are required as a condition of employment to execute an acknowledgment, that the Drug Free Workplace Policy has been read and understood.

Employees not covered by the requirements of Safety Sensitive Position (Section A) or DOT Positions (Section B) are none the less subject to a reasonable cause testing for both controlled substance drugs and alcohol as set for in this policy.

- C. **Disciplinary action** Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in Section V, or any other city policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

1. **Warning or reprimand.** A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.

2. **Suspension.** Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.
3. **Demotion.** A demotion is an action that places the employee in a position of less responsibility and less pay.
4. **Termination.** This type of disciplinary action is a removal of an employee from city employment.

D. Grievance procedure The city of West Fork, Arkansas, hereby designates the city business manager, as coordinator of the city's efforts to comply with and carry out the city's responsibility in implementing the requirements. It is the responsibility of the coordinator to investigate complaints of non-compliance. The city specifies that complaints must be submitted in writing within 30 days of the alleged complaint and signed by the person filing the complaint. The coordinator shall investigate all complaint and provide a written report of findings within ninety (90) days.

If the individual filling the complaint feels the problem has not been resolved, he may appeal to the City Council in writing. Should the complainant wish to appeal the coordinator's response he may do so by filing the complaint in writing to the city of West Fork, P.O. Box 339, West Fork, Arkansas 72774. The business manager will notify the complainant of the date, time, and place of the hearing before the Council. Following the hearing, the City Council will render a decision within a reasonable time and notify the complainant in writing.

E. Civil Rights Officer The City Council hereby designates the City Business Manager as the city's Civil Rights Officer. Any employee who believes that they have been the recipient of discrimination because of sex, race, or handicap, should contact the City Business Manager, P.O. Box 339, West Fork, AR 72774 or call 839-2342. The procedure for filing shall be the same procedure as outlined in the Grievance Procedure. (Ord. No. 02-8, Sec. 9.)

2.54.10 Miscellaneous information

- A. Policy statement** The city of West Fork possesses the sole right to operate and manage the affairs of the city.
- B. Severability** Should any of the provisions of these Employment Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

To the extent that any law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

- C. Change of address** If an employee changes his or her home address or telephone number, the employee should notify his or her department head of this change so that personnel files may be kept current. This is important in case the city must mail the employee any information that it feels the employee will need such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head. (Ord. No. 02-8, Sec. 10.)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Certain Officials May Conduct Business with City

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.06 Sales to city by members of the City Council
- 3.04.08 Purchase not to exceed \$10,000.00
- 3.04.09 Purchase exceeding \$10,000.00
- 3.04.10 Approval of payment
- 3.04.11 Sale or exchange of municipal property

3.04.06 Sales to city by members of the City Council Members of the City Council may conduct business with the city provided that any purchase in excess of Two Hundred Fifty Dollars (\$250.00) shall be on the basis of a quotation bid or in excess of Five Thousand Dollars (\$5,000.00) through a competitive bid as indicated in Section 3.04.03. (Amended by Ord. No. 282, Sec. 3.04.06.)

3.04.08 Purchase not to exceed \$10,000.00 The Mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite to public purposes for the city of West Fork, Arkansas, and to make all necessary contracts for work or labor to be done or material or other necessary thing to be furnished for the benefit of the city where the amount of the expenditure for any purchase or contract does not exceed the sum of Ten Thousand Dollars (\$10,000.00) (Amended by Ord. No. 282, Sec. 3.04.08.)

3.04.09 Purchase exceeding \$10,000.00 Where the amount of expenditure for any purchase or contract exceeds the sum of Ten Thousand Dollars (\$10,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids in the presence of the Mayor or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor or his duly authorized representative may reject any and all bids received. (Amended by Ord. No. 282, Sec. 3.04.09.)

3.04.10 Approval of payment The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose or disapprove any bills, debts or liabilities asserted as claims against the City, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

3.04.11 Sale or exchange of municipal property That the Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Ten Thousand Dollars (\$10,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Ten Thousand dollars (\$10,000.00); provided however, if the Mayor shall certify, in writing, to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Ten Thousand dollars (\$10,000.00) the same may be sold by the Mayor without competitive bidding. (Amended by Ord. No. 282, Sec. 11.)

CHAPTER 3.08

CERTAIN OFFICIALS MAY CONDUCT BUSINESS WITH CITY

Sections:

- | | |
|---------|---|
| 3.08.01 | Mayor, Aldermen and Fire Chief may conduct business |
| 3.08.02 | Purchases of more than \$5,000.00 |

3.08.01 Mayor, Aldermen and Fire Chief may conduct business The Mayor, Aldermen and Fire Chief may conduct business with the city as authorized by Act 485 of 1981, under the following conditions.

- A. The purchase is under \$5,000.00 in value and comparable merchandise, equipment or services at comparable prices is not otherwise available within the city.
- B. The cost of the service is under \$5,000 in value and comparable services at comparable prices are not otherwise available within the city. (Ord. No. 276, Sec. 1.)

3.08.02 Purchases of more than \$5,000.00 On all purchases of supplies, equipment or services of more than \$5,000, advertisement for bids must be taken pursuant to A.C.A. 14-58-303 as amended by Act 745 of 1985 unless the City Council shall by ordinance waive competitive bidding in exceptional situations where such procedure is deemed not feasible or practical. (Ord. No. 276, Sec. 2.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Cable TV Franchise
- 4.20 Tax on Private Clubs
- 4.24 Occupational Licenses
- 4.28 Solicitors

CHAPTER 4.04

ELECTRIC FRANCHISE

Sections:

- 4.04.01 Electric franchise granted to Southwestern Electric Power Company
- 4.04.02 Franchise tax
- 4.04.03 Franchise payments in lieu of other charges
- 4.04.04 Line moving
- 4.04.05 Trimming trees
- 4.04.06 Attachments and free service
- 4.04.07 No additional privileges given

4.04.01 Electric franchise granted to Southwestern Electric Power Company. That the Southwestern Electric Power Company shall continue to operate its Electrical Power system and all business incidental thereto or connected with the conducting of business system engaged in the sale of electrical power and energy within the corporate limits of the city of West Fork, Arkansas, as heretofore allocated to the Southwestern Electric Power Company by the Arkansas Public Service Commission. The said Southwestern Electric Power Company shall continue to exercise its right to place, remove, construct, extend and maintain its said construction and appurtenances thereto, along, over, across, on, through, and above and under all public streets, alleys, avenues and the public grounds and places in certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the City of West Fork, Arkansas, as said corporate limits are now located or as may be located within the area assigned to the Southwestern Electric Power Company by the Arkansas Public Service Commission. (Ord. No. 106, Sec. 1)

4.04.02 Franchise tax. That the Southwestern Electric Power Company agrees to pay to the City of West Fork, Arkansas, for the period of January 1, 1978, and ending December 31, 1982, a sum equal to three percent (3%) of its gross receipts for sale of electric power to domestic and commercial consumers within the territory served the Southwestern Electric Power Company within the corporate limits of the city of West Fork as now located or as may be

hereafter located, said sum to be paid in quarterly payments, commencing with all billings issued after January 1, 1978, and continuing through December 31, 1982.

The terms of the agreement shall be reviewed by the City Council and Southwestern Electric Power Company at least 90 days prior to December 31, 1982, for the purpose of negotiating any changes or continuing the same agreement for another five years.

The Southwestern Electric Power Company shall have thirty (30) days from the end of each quarter to compute and make payments provided for herein. (Ord. No. 106, Sec. 2)

4.04.03 Franchise payments in lieu of other charges. The franchise payments provided for herein required shall be in lieu of all other charges, licenses, fees or impositions (other than the usual general ad valorem taxes) which may be imposed by the city of West Fork, Arkansas, under authority conferred by law.(Ord. No. 106, Sec. 3)

4.04.04 Line moving. The Southwestern Electric Power Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Southwestern Electric Power Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes. (Ord. No. 106, Sec. 4)

4.04.05 Trimming trees. Permission is hereby granted to the Southwestern Electric Power Company to trim trees upon and overhanging streets, alleys, sidewalks, and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Southwestern Electric Power Company all of the said trimming to be done under the supervision and direction of any City Official to whom said duties have been or may be delegated. (Ord. No. 106, Sec. 5)

4.04.06 Attachments and free service. Nothing in this ordinance contained shall be construed to require or permit any electric light or power wire attachments by the City or for the City. If light or power attachments are desired by the City or for the City, then a separate noncontingent agreement shall be a prerequisite to such attachments. No free service is to be furnished by Southwestern Electric Power Company to the city of West Fork, Arkansas. (Ord. No. 106, Sec. 6)

4.04.07 No additional privileges given. Nothing herein contained shall be construed as giving to the Southwestern Electric Power Company any privileges outside of the portion of the city of West Fork, Arkansas now or hereafter allocated to it by the Arkansas Public Service Commission, nor shall it affect any prior or existing rights of the Southwestern Electric Power Company to maintain an

electrical power system within the city of West Fork, Arkansas. (Ord. No. 106, Sec. 7)

CHAPTER 4.08

GAS FRANCHISE

Sections:

- 4.08.01 Franchise granted to Arkansas Western Gas Company
- 4.08.02 Franchise tax
- 4.08.03 Acceptance by city
- 4.08.04 Contract

4.08.01 Franchise granted to Arkansas Western Gas Company. "Whereas, the Arkansas Western Gas Company holds a franchise granted by the city of West Fork granting the right and privilege to lay gas mains along streets, alleys, avenues, roads and highways and other public places of the said city for the purpose of distributing and selling natural gas to the inhabitants of said city and for other purposes; and

4.08.02 Franchise tax. Whereas, the said Arkansas Western Gas Company has offered to enter into a proposed contract, to be dated December 14, 1977, with the city calling for the company to pay to the city three percent (3%) of its sales of natural gas to domestic and commercial consumers within the city limits which is to be in place of and in lieu of any and all occupation taxes, meter taxes, privilege taxes, license fees, street and alley rentals of what ever kind or nature (except general and ad valorem taxes) now in effect or hereafter put into effect by the said city of West Fork, Washington County, Arkansas; and

4.08.03 Acceptance by city. Whereas, the city council of the city of West Fork, Washington County, Arkansas, has determined that it will be in the best interest of the said city to accept the terms and enter into the said contract, and that upon payment of the sum called for in the said contract that it will be fair, just and equitable that such sum be accepted in lieu of payment by the company of any and all occupation taxes, meter taxes, privilege taxes, license fees, street and alley rentals, and any and all other levies, taxes, and fees of whatsoever kind, nature or character (except general and ad valorem taxes) for the life of the said contract and any renewals thereof.

4.08.04 Contract. That the Mayor and Clerk of the said City be and they are hereby authorized and instructed to execute and enter into the aforementioned contract on behalf of the city of West Fork, Washington County, Arkansas.

That the Arkansas Western Gas Company be and it is hereby exempted from and relieved of paying any and all occupation taxes,

meter taxes, privilege taxes, license fees, street and alley rentals, and any and all other levies, taxes, and fees of whatever kind of nature (except general and ad valorem taxes) now in effect or hereafter enacted by the city of West Fork, Washington County, Arkansas, during the existence of the hereinabove mentioned contract or any renewals thereof."

CONTRACT

This contract made and entered into this 14th day of December, 1977, by and between the city of West Fork, Washington County, Arkansas, a municipal corporation, hereinafter called the City and Arkansas Western Gas Company, Fayetteville, Arkansas, an Arkansas corporation, hereinafter called the Company.

W I T N E S S E T H

That the Company agrees to pay to the City for the period commencing December, 1982, a sum equal to three per cent (3%) of its sales of natural gas to domestic and commercial consumers within the city limits of the city of West Fork, said sum to be paid in quarterly annual payments. The company shall have 30 days from the end of each quarter to compute and make the payments provided for herein.

That for and in consideration of the above mentioned agreement by company, the city hereby agrees to relieve the company of the payment of all occupation taxes, meter taxes, franchise taxes, privilege taxes, license fees, street and alley rentals and any and all other levies, licenses, taxes and fees of whatever kind, nature or character (except general ad valorem taxes) now in effect or hereafter put into effect by the said city during the life of this contract or any renewal thereof.

It is further agreed that any increase or attempted increase of the said percentage or imposition of any of the said taxes on Arkansas Western Gas Company shall render this agreement ipso facto null and void.

Said city of West Fork, Washington County, Arkansas, under and by authority of the city council of said city, duly assembled in legal session, on this 13th day of December, 1977, agrees to the terms and conditions of this contract and has this day authorized the execution of said contract by the Mayor and Recorder of said city.

Witness our hands and seals the day and year first written above.

ATTEST: CITY OF WEST FORK

S/ Paula Caudle
Recorder

S/ Alexander P. Stickers
Mayor

ATTEST: ARKANSAS WESTERN GAS CO.

S/ Paula Caudle
Treasurer and Secretary

S/ James L. Walker
Vice-President

(Res. No. 6 - 77)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

- 4.12.01 Authority granted for operation of telephone system
- 4.12.02 Exclusive franchise
- 4.12.03 Rights and responsibilities
- 4.12.04 Extensions over long distances
- 4.12.05 Coextensive with city or town
- 4.12.06 Franchise tax

4.12.01 Authority granted for operation of telephone system. That the White River Telephone Company, Inc., their successors and assigns be and hereby are authorized to erect, construct, operate and maintain a telephone system in the incorporated city of West Fork, Arkansas, with all poles, lines, line wires, guy wires, underground conduits, cables and wires, fixtures and appliances necessary to furnish said city and its inhabitants a suitable and sufficient telephone system during the life of the franchise in this ordinance and for such purposes may enter in and upon any street, avenue, alley, bridge or road belonging to or under the control of said city. To erect their poles, stretch their wires, lines and establish any other appliances necessary for the purpose as they may deem proper under this ordinance. (Ord. No. 92, Sec. 1)

4.12.02 Exclusive franchise. The right and franchise herein granted shall be exclusive and shall relate to a telephone system within the corporate limits of the incorporated city of West Fork, Arkansas, and shall continue for the full period of fifteen (15) years from and after the passage of this ordinance. The terms, covenants, and conditions herein set forth shall be reviewed every five (5) years, provided however, that should the grantees, or their

successors or assigns fail in any particular to carry out any part of their contract contained in this ordinance except such failure be the result of unavoidable causes or accidents, the franchise herein granted becomes void by resolution of said city. (Ord. No. 92, Sec. 2)

4.12.03 Rights and responsibilities. The said telephone system shall be carefully constructed and capable of furnishing the city of West Fork, Arkansas, and the inhabitants thereof with all the service necessary in connection with a telephone exchange, said telephone system may be extended from time to time at the option of the grantees, their successors or assigns. (Ord. No. 92, Sec. 3)

4.12.04 Extensions over long distances. The grantees herein, their successors and assigns, shall not be required to extend their line for long distances over territory upon which enough subscribers cannot be obtained to justify the expense of said extension. (Ord. No. 92, Sec. 4)

4.12.05 Coextensive with city or town. The franchise herein granted shall be coextensive with the corporate limits of the incorporated city of West Fork, Arkansas, however greatly said telephone system may be expanded, and a change from the government of an incorporated town to that of a city shall in no wise effect the validity of the franchise herein granted. (Ord. No. 92, Sec. 5)

4.12.06 Franchise tax. The telephone company shall pay to the city on or before March 1, 1976, for the period January 1, 1975, to December 31, 1975, inclusive and thereafter for like periods on or before each March 1, an amount determined by multiplying the number of telephones within the corporate limits of the city as of the last day of the preceding year by the sum of \$1.00. (Ord. No. 92, Sec. 6)

CHAPTER 4.16

CABLE TV FRANCHISE

Sections:

4.16.01	Granted
4.16.02	Rights and responsibilities
4.16.03	Fees
4.16.04	Renewal
4.16.05	Franchise tax
4.16.06	Tax in lieu of certain charges

4.16.01 Granted. That L.A. & Paul Smith D/B West Fork Cable Service, their heirs, successors, lessees and assigns, be, and hereby are granted the exclusive right and franchise to furnish direct wire reception of television programs to the citizens and residents of the city of West Fork, Arkansas, Washington County, Arkansas, by means of the establishment of a master antenna, utilizing a master control unit and amplifier and relaying the television signals directly into the individual television reception sets for a period of 15 years from the effective date of this ordinance, together with the right to erect and maintain such poles, wire, fixtures, etc., along the streets, avenues, alleys, roads, highways, and other public places of the city as may be necessary and convenient for its business as a television signal furnisher in supplying the citizens of the city and the public in general, and to use and occupy for its television cables the streets, avenues, alleys, roads, highways, and other public places within said city for the purpose of erecting, constructing, laying, owning, leasing, maintaining, or otherwise repairing and operating such system all such right and use to be and continue on the conditions and terms herein stated, and providing further that existing or hereafter erected utility poles may be used with the permission of the owner thereof, and providing further that said franchise holder shall place, construct and maintain his poles and wires so as not to interfere with the travel or use of such streets, avenues, alleys, roads, highways, and other public places of said city. (Ord. No. 121, Sec. 1)

4.16.02 Rights and Responsibilities. The said franchise holder shall hold said city free and harmless from damages arising from any abuse or negligence of said franchise holder, that said poles and wires shall be so placed as not to interfere with the flow of water in any sewer, drain or gutter, or with any gas or water pipe lines, and this grant is to be made and be enjoyed subject to all reasonable regulations and ordinances of police nature as said city may authorize, or may see proper from time to time to adopt, and not destructive of the rights herein granted. (Ord. No. 121, Sec. 2)

4.16.03 Fees. The said L.A. & Paul Smith, their heirs, successors, lessees and assigns, be, and hereby are granted the

authority, right and privilege to set, control and regulate the fees for such service to individual consumers and users during the period provided by this ordinance, subject to approval of the City Council and all other State and Federal Regulatory Bodies. Said fees shall be just and reasonable and shall not exceed \$6.75 per month for the individual in a home and not to exceed per month for the individual consumer or user in a commercial place of business. Said rates shall apply for not more than five years. (Ord. No. 121, Sec. 3)

4.16.04 Renewal. The franchise holder is hereby granted an option to renew this exclusive right and franchise at the end of the 15 year period, the terms thereof to be agreed upon by the franchise holder and the City Council. (Ord. No. 121, Sec. 4)

4.16.05 Franchise Tax. That the L.A. & Paul Smith, West Fork, TV Cable Service, agrees to pay to the City of West Fork, for the period June 1, 1979 and ending May 31, 1983, a sum equal to three percent (3%) of its gross receipts for the Cable TV Service sold within the corporate limits of the city of West Fork, Arkansas, as now located or may be located hereafter, said sum to be paid in quarterly installments, commencing with all billings issued after June 1, 1979, and continuing through may 31, 1983. The terms of the agreement shall be reviewed by the City Council and L.A. & Paul Smith, West Fork TV Cable Service at least 90 days prior to May 31, 1983 for the purpose of negotiating any changes or continuing the same terms of the agreement another five years. (Ord. No. 121, Sec. 5)

4.16.06 Tax In Lieu of Certain Charges. The franchise payments provided for herein required shall be in lieu of all other charges, licenses, fees, or impositions, (other than the usual general ad valorem taxes), which may be imposed by the city of West Fork, Arkansas, under authority conferred by law. (Ord. No. 121, Sec. 6)

CHAPTER 4.20

TAX ON PRIVATE CLUBS

Section:

4.20.01 City tax levied

4.20.01 City tax levied. All private clubs within the city serving alcoholic beverages shall pay to the city a supplemental tax equal to one-half of the amount paid to the state. Proceeds from this tax shall be deposited in the city's general fund.

CHAPTER 4.24

OCCUPATIONAL LICENSES

Sections:

4.24.01	Occupational license required
4.24.02	Separate license for each trade or business
4.24.03	Transfer prohibited
4.24.04	Appeal
4.24.05	Collection
4.24.06	Posting
4.24.07	Procurement of license
4.24.08	False statements or failure to furnish information
4.24.09	Schedule of license taxes
4.24.10	Issuance
4.24.11	Penalty
4.24.12	Revocation of license

4.24.01 Occupational license required. The carrying on of any trade, business, vocation, occupation, profession or calling of whatever kind or nature within the city is hereby declared to be a privilege and from and after the effective date of this chapter, any individual, person, firm, partnership, company or corporation engaged in such activity shall pay a triennial occupation tax for this privilege.

4.24.02 Separate license for each trade or business. Any person, firm or corporation engaging in more than one (1) business, occupation or profession and for which a license is required for each shall pay for and take out a license for each business, profession or occupation in same or separate quarters. Licenses shall be issued for a period of three (3) years from date of issue. Persons affected hereby shall renew their licenses during the month proceeding the expiration date of their current license.

Charitable, garage, yard or firewood sales shall not be considered occupations under this ordinance nor shall the sale of produce raised within the city limits of West Fork be so considered.

4.24.03 Transfer prohibited. No license issued hereunder shall be transferred.

4.24.04 Appeal. The ruling body of this chapter shall be the City Council and all requests for consideration, adjustments, or complaints shall be brought before that body during regular executive sessions.

4.24.05 Collection. The City Clerk or the duly authorized deputy shall collect the tax and upon receipt thereof issue a license under this chapter for every person, firm or corporation liable to pay such tax and to state in each license issued the amount and the period of time covered thereby, the name of the person, firm or corporation, the business occupation or profession to be carried on and no error in stating or computing the amount of a license and tax due shall prevent or prejudice the licensing and collection by the city of the tax which shall actually be due under this chapter.

4.24.06 Posting. The license issued hereunder shall be prominently displayed at the principal place of business.

4.24.07 Procurement of license. All licenses shall be procured before any business begins operation and shall be obtained from the City Clerk's office. If it shall be necessary for the City Clerk or deputy to go to the business to collect, a Fifteen Dollar (\$15.00) additional penalty will be imposed.

4.24.08 False statements or failure to publish information. It shall be unlawful for any person knowingly and willfully to make a false written or verbal statement in applying for a license under this chapter for the purpose of defrauding the city by which statement a license is procured for a less sum than is lawfully due hereunder. It shall likewise be unlawful for any person to fail or refuse to furnish the City Clerk all required information necessary to determine the amount of the annual occupational license fee in accordance with the provisions of this chapter.

4.24.09 Schedule of license taxes. All individuals, persons, firms, partnerships, companies or corporations doing business as described above within the city limits of the city, Five Dollars (\$5.00) for a triennial license or any portion thereof.

4.24.10 Issuance. No occupation license shall be issued to any applicant for such occupation license under the provisions of Section II and IV of this ordinance until and unless such applicant shall demonstrate to the City Clerk his or her compliance with all ordinances and statutes applicable to such applicant's business, trade, occupation, vocation, or profession, including, but not limited to those establishing codes of building, plumbing, electrical work and sanitation and health, and those regulating business and advertising signs.

4.24.11 Penalty. Any individual, persons, firms, partnerships, companies or corporations engaged in any trade, business, vocation, occupation, profession or calling of whatever kind or nature within the city without procuring the required license shall be guilty of a misdemeanor and upon conviction thereof in the Court of West Fork, shall be fined in the sum of Twenty-Five Dollars (\$25.00) plus court cost and each and every day of such offense shall constitute a separate offense.

4.24.12 Revocation of license. The City Council by a two-thirds (2/3) vote may revoke any license for cause without return of any license fee paid.

CHAPTER 4.28

SOLICITORS

Sections:

4.28.01	Permit and license required
4.28.02	Definition
4.28.03	Application
4.28.04	Investigation and issuance
4.28.05	Fees
4.28.06	Bond
4.28.07	Badges
4.28.08	Exhibition of license
4.28.09	Duty of police to enforce
4.28.10	Records
4.28.11	Revocation of license
4.28.12	Appeal
4.28.13	Expiration of license
4.28.14	Penalty

4.28.01 Permit and license required. It shall be unlawful for any solicitor or canvasser, as defined in this ordinance, to engage in such business within the corporate limits of the city without first obtaining a permit and license therefor in compliance with the provisions of this ordinance. (Ord. No. 129, Sec. 1)

4.28.02 Definition. A canvasser or solicitor is defined as any individual, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from private residence to private residence taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, loading house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. In no event shall students of West Fork School be deemed solicitors or canvassers. (Ord. No. 129, Sec. 2)

4.28.03 Application. Applicants for permit and license under this ordinance must file with the Recorder/Treasurer a sworn application in writing (in duplicate) on a form to be furnished by the Recorder/Treasurer which shall give the following information:

- (a) Name and description of the applicant.
- (b) Permanent home address and full local address of the applicant.
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) The place where the goods or property proposed is to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
- (g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) The fingerprints of the applicant and the names of at least two (2) reliable property owners of the County of Washington, who will certify as to the applicant's good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor; and.
- (j) A statement by a reputable physician of the city of Fayetteville, dated not more than ten (10) days prior to submission of the application certifying the applicant to be free of contagious, infectious or communicable disease.

At the time of filing the application, a fee of Two Dollars (\$2.00) shall be paid to the city Recorder/Treasurer to cover the cost of investigation of the facts stated therein. (Ord. No. 129, Sec. 3)

4.28.04 Investigation and issuance.

(a) Upon receipt of such application, the original shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the city Recorder/Treasurer who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the city Recorder/Treasurer who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Recorder/Treasurer shall keep a permanent record of all licenses issued. (Ord. No. 129, Sec. 4)

4.28.05 Fees.

(a) The license fee which shall be charged by the city Recorder/Treasurer for each license shall be Thirty Dollars (\$30.00) per day. Three Hundred Dollars (\$300.00) per week, Fifteen Hundred Dollars (\$1,500.00) per month, Ten Thousand Dollars (\$10,000.00) per year.

(b) The annual fees herein provided shall be assessed on a calendar year basis and on or after July 1st, the amount of such fee for annual license shall be one-half (1/2) the amount stipulated above for the remainder of the year.

(c) None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case, where a license fee is believed by a licensee or applicant for license, to place an undue burden upon such commerce, he may apply to the Mayor (or insert name of official best suited to do this work) for an adjustment of the fee so that it will not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at, or within six (6) months after payment of the

prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Mayor shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by Section 4.28.05 of this ordinance. Should the Mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city of West Fork or at the end of each three (3) month period, a sworn statement of the gross sales and then pay the amount of fee therefor, provided that no additional fee during any one (1) calendar year shall be required after the licenses shall have paid an amount equal to the annual license as prescribed in Section 4.28.05 of this ordinance. (Ord. No. 129, Sec. 5)

4.28.06 Bond. Every applicant, not a resident of the city or who being a resident of the city represents a firm whose principal place of business is located outside the State of Arkansas shall file with the city Recorder/Treasurer a surety bond, running to the city in the amount of Five Hundred Dollars (\$500.00), with surety acceptable to and approved by the Mayor, conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the State of Arkansas regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the city doing business with said solicitor that the property purchased will be delivered according to the representations of said solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person. (Ord. No. 129, Sec. 6)

4.28.07 Badges. The city Recorder/Treasurer shall issue to each licensee, at the time of delivery of his license, a badge which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the license, in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous. (Ord. No. 129, Sec. 7)

4.28.08 Exhibition of license. Solicitors and canvassers are required to exhibit their licenses at the request of any citizen. (Ord. No. 129, Sec. 8)

4.28.09 Duty of police to enforce. It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this ordinance against any person found to be violating the same. (Ord. No. 129, Sec. 9)

4.28.10 Records. The Chief of Police shall report to the city Recorder/Treasurer all convictions for violations of this ordinance and he shall maintain a record for each license issued and record the reports of violation therein. (Ord. No. 129, Sec. 10)

4.28.11 Revocation of license.

(a) Permits and licenses issued under the provisions of this ordinance may be revoked by the city after notice and hearing for any of the following causes.

- (1) Fraud, misrepresentation or false statement contained in the application for licenses.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser.
- (3) Any violation of this ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude, or
- (5) Conducting the business of soliciting or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. (Ord. No. 129, Sec. 11)

4.28.12 Appeal. Any person aggrieved by the action of the Chief of Police or the city Recorder/Treasurer in the denial of a permit or license as provided in Section 4.28.04 of this ordinance or the action of the Mayor in the assessing of the fee as provided in Section 4.28.05 (c) of this ordinance shall have the right of appeal to the Council of the city. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of hearing shall be given to the applicant in the same manner as provided in Section 4.28.11 of this ordinance for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive. (Ord. No. 129, Sec. 12)

4.28.13 Expiration of license. All annual licenses issued under the provisions of this ordinance shall expire on the 31st of December in the year when issued. Other than annual licenses shall expire on the date specified in the license. (Ord. No. 129, Sec. 13)

4.28.14 Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed Twenty-Five Dollars (\$25.00). Each day will constitute a separate offense and subject to a fine for each day. (Ord. No. 129, Sec. 14)

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Board of Health
- 5.08 Health Officer
- 5.12 Maintenance of Real Property
- 5.16 Septic Tanks
- 5.20 Littering
- 5.24 Solid Waste
- 5.28 Northwest Arkansas Resource Recovery Authority
- 5.32 Renewable Resource Center

CHAPTER 5.04

BOARD OF HEALTH

Sections:

- 5.04.01 Appointment - Qualifications
- 5.04.02 Jurisdiction - Duties - organization
- 5.04.03 Bylaws, rules, regulations

5.04.01 Appointment - Qualifications The Board of Health shall consist of five (5) appointed members, two (2) of whom shall be practicing physicians residing in the city, all of whom shall be appointed by the Mayor. The Mayor shall be ex-officio a member of the Board and the appointed members shall hold their office during the term of office of the appointing Mayor. The Board of Health shall have and exercise the power conferred upon such boards by State Law and by the ordinances of this city.

5.04.02 Jurisdiction - Duties - Organization The Board of Health shall have jurisdiction for one (1) mile beyond the city limits; for quarantine purposes in case of epidemics, such Board shall have jurisdiction for five (5) miles beyond the city limits;. The Board is invested with the power to declare, establish and maintain any and all necessary or desirable bylaws, rules and regulations to secure the city and its inhabitants from contagious, malignant or infectious disease. It may establish hospitals for the reception and treatment of contagious, infectious or epidemic disease. It shall have the duty to discover, declare and abate or cause to be abated any and all nuisances prejudicial to the health of the city and its inhabitants. The Board of Health shall elect a President and a Secretary, each of whom shall hold their office for one (1) year or until their successors are elected and qualified.

5.04.03 Bylaws, rules, regulations All bylaws, rules and regulations of the board in the exercise of the jurisdiction, powers and duties conferred shall be in writing and violation of any such bylaw, rule or regulation shall be deemed a violation and punishable as set forth. The Marshal shall serve, execute and enforce all such written bylaws, rules and regulations.

CHAPTER 5.08

HEALTH OFFICER

Sections:

- 5.08.01 Appointment, Qualifications
- 5.08.02 Powers and Duties

5.08.01 Appointment, Qualifications It shall be the duty of the Mayor to appoint a Health Officer, said appointment to be approved by a majority vote of the City Council. Such city Health Officer shall be a qualified physician and a resident of the city; after appointment he shall take and subscribe to the constitutional oath of office, and shall file a copy of his appointment with the Arkansas State Board of Health.

STATE LAW REFERENCE-see A.C.A. 14-262-103

5.08.02 Powers and Duties The Health Officer shall perform all duties which may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and all duties otherwise prescribed by state law.

He shall investigate any matter affecting public health or sanitation within the city which may come to his attention. He shall have the authority to inspect, regulate and control disease prevention and suppression, and sanitation within the city, and his jurisdiction therefore shall specifically include the inspection, regulation and control of sanitation conditions in all business establishments within the city which deal with food and food products. He shall have the authority to require any unsatisfactory condition of hygiene or sanitation affecting food, food products or food handling to be corrected, and failure or refusal to comply with such requirements shall be a violation and punishable.

STATE LAW REFERENCE-see A.C.A. 14-262-103

CHAPTER 5.12

MAINTENANCE OF REAL PROPERTY

Sections:

5.12.01	Unightly or unsanitary conditions on real property
5.12.02	Notice required
5.12.03	Notification of unknown real property owner
5.12.04	Enforcement of lien and collection of costs
5.12.05	Inspections
5.12.06	Vacant lots
5.12.07	Requirement to remove debris after disaster
5.12.08	Notification
5.12.09	Penalty

5.12.01 Unightly or unsanitary conditions on real property All property owners within the city of West Fork, Arkansas, are required to cut weeds, grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property and to eliminate, fill up or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. (Ord. No. 400, Sec. 1.)

5.12.02 Notice required If the owner or owners of any lot or other real property within the city of West Fork, Arkansas, after the giving of seven (7) days' notice in writing by the Chief of Police, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 5.12.01, the Chief of Police is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed or eliminate any unsanitary and unsightly condition and the cost shall be charged against the premises and shall constitute a lien thereon. (Ord. No. 400, Sec. 2.)

5.12.03 Notification of unknown real property owner In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this state, a copy of the written notice referred to shall be posted upon the premises and before any action to enforce the lien shall be had, the Clerk of the city of West Fork shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents and service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 400, Sec. 3.)

5.12.04 Enforcement of lien and collection of costs The lien herein provided for may be enforced and collected in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done by action in the District Court; or
- B. The amount of the lien herein provided for may be determined at a hearing before the City Council held after thirty (30) days' written notice by certified mail to the owner or owners of the property if the name and whereabouts of the owner or owners be known or if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing plus ten percentum (10%) penalty for collection shall be certified by the City Council to the County Tax Collector and by him placed on the tax books as delinquent taxes and collected accordingly and the amount, less three percentum (3%) thereof when so collected, shall be paid to the city of West Fork. (Ord. No. 400, Sec. 4.)

STATE LAW REFERENCE-See A.C.A. 14-54-901 - 14-54-904; Hdbk. 15-1.2 - 15-1.5

5.12.05 Inspections The Marshal is specifically charged with the enforcement of this chapter and he shall make monthly inspection trips and such other trips as may be necessary throughout the confines of the city and for any unsightly or unsanitary condition or conditions that he may find he will have the Clerk write to the owner or owners of any lot or other real property stating the date of his inspection, the condition or conditions that must be corrected and if not corrected within seven (7) days, the Clerk will take steps to remove, abate or eliminate said condition or conditions and the cost will constitute a lien on said lot or other real property.

5.12.06 Vacant lots Property owners are prohibited from permitting the accumulation of debris upon vacant lots in the city. It shall be the duty of the property owners to remove all debris or refuse which is unsightly or which may endanger public health if and when notified by the Clerk.

5.12.07 Requirement to remove debris after disaster If any property owner shall suffer the loss, either total or partial, of a house by fire or tornado, it shall be the duty of the Clerk to immediately notify, in writing, the property owner to remove all debris from the lot. It shall be the duty of the property owner within fifteen (15) days from receipt of such notice to remove all debris or refuse on said lot.

5.12.08 Notification It shall be the duty of the Clerk or such other person as designated by the governing body of the city of West Fork to notify in writing all property owners who own lots on which debris or refuse is situated due to the destruction of houses by fire and on other lots on which has accumulated such unsightly debris and refuse whether caused by fire or otherwise and it shall be the duty of the property owner to remove such debris or refuse within fifteen (15) days after receipt of notice. (Ord. No. 89-199)

5.12.09 Penalty In addition to the remedies contained in 5.12.02 and 5.12.04 herein, the city shall have the authority to prosecute any violators of this ordinance in the West Fork District Court as follows:

If any real property owner shall fail or refuse to comply with the requirements of 5.12.01 herein, within the time fixed in 5.12.02 herein, after having received such notice from the Chief of Police or such other person as may be designated by the governing body of the city of West fork, shall upon conviction, be subject to an additional penalty in the sum of not less than Fifty Dollars (\$50.00) for each day that such property owner refused to comply with this ordinance after the expiration of the time limit provided. Each day shall be considered a separate offense. (Ord. No. 400, Sec. 5.)

CHAPTER 5.16

SEPTIC TANKS

Sections:

- 5.16.01 Water Superintendent shall be inspector
- 5.16.02 Overflow unlawful

5.16.01 Water Superintendent shall be inspector The Water Superintendent shall be the inspector and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put into use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the Water Department Superintendent. It shall be the duty of the inspector to see that such septic tank shall be in conformity with recommendations of the State Board of Health.

5.16.02 Overflow unlawful It shall be unlawful to allow a septic tank to overflow or drain on the surface of the ground or in any street or ditch within the city.

CHAPTER 5.20

LITTERING

Sections:

- 5.20.01 Littering illegal

5.20.01 Littering illegal It shall be unlawful for any person to place, dispose or otherwise permit to be located upon, in, on or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto any litter, refuse or debris.

CHAPTER 5.24

SOLID WASTE COLLECTION

Sections:

5.24.01	Definitions
5.24.02	Dump closed
5.24.03	Collection service and contract
5.24.04	Rate
5.24.05	Rules
5.24.06	Equipment
5.24.07	Penalty
5.24.08	Competitive bids

5.24.01 Definitions

Collector shall apply to the contractor franchised by contract to the city of West Fork as determined by the City Council to pick up all solid waste in the corporate limits of the city of West Fork.

Premises shall be taken to mean business houses, offices, motels, restaurants, cafes, tourist camps, apartments, schools, private residences, vacant lots and other places within the city limits of the city of West Fork where either garbage or rubbish accumulates.

Refuse mean all solid wastes, including garbage and rubbish.

Garbage shall be construed to include all rejected food wastes and refuse, accumulation animal, fruit, or vegetable matter used or intended for food, or intended for the preparation, use in cooking, dealing in, or storing of meat, fish, fowl, fruits, and/or vegetables,.

Rubbish or trash shall include refuse other than foodstuffs, such as paper, cardboard, clothing, grass, leaves, ashes, and tin cans, all ashes must be dead cold to avoid fire hazard. The term "Trash" shall include the term "Rubbish".

(Ord. No. 117, Sec. 1)

5.24.02 Dump closed Inasmuch as the operation of an open dump such as used in the past by the city of West Fork is in violation of Federal E.P.A. regulations and also in violation of the State of Arkansas Pollution And Ecology laws, the present city dump shall be closed and cease operation as of February 3, 1979. (Ord. No. 117, Sec. 2)

5.24.03 Collection service and contract A city wide collection service will be established to pick up garbage and rubbish a minimum of once a week from all residences and from commercial establishments as required.

The collection service will be contracted by the city as a franchise under competitive bidding to a single contractor who will be responsible to the City Council for fulfilling the terms of the contract. The garbage and waste picked up will be transported to a State of Arkansas Department of Pollution Control and Ecology permitted and approved disposal site of the contractor's choosing. (Ord. No. 117, Sec. 3)

5.24.04 Rate In order to provide for trash pickup and disposal in a orderly manner and at a fair rate, this ordinance provides for a single franchised trash pickup service for the city of West Fork.

Inasmuch as the city dump will be closed, everyone is urged to subscribe to the service for the protection of the health and welfare of the community.

The franchised contractor will be the only contractor permitted to pick up trash within the city limits of the city of West Fork. Residences will be charged a flat monthly rate set by the contractor subject to approval of the City Council. Commercial establishments will negotiate a fee depending on their individual needs subject to review and approval of the City Council. All fees shall be paid directly to the contractor. (Ord. No. 117, Sec. 4)

5.24.05 Rules

- A. Dwellers in private residences will put all garbage and refuse in suitable plastic bags securely tied and place the bags at the edge of the road at their property for pickup on the morning of the day for their pickup.
- B. Dry rubbish may be placed in a cardboard box of such size and weight that it can be readily handled by one person for loading.
- C. Empty cartons may be flattened and tied in bundles of such size as to be able to be handled by one person.
- D. Commercial establishments shall work out a suitable means of packaging for handling their wastes with the contractor.
- E. It shall be unlawful for any person or firm or corporation to burn any garbage, trash, or brush.
- F. It shall be unlawful for any person, firm or corporation to dump, throw, or deposit garbage, refuse, trash, leaves, or any accumulation of same on any vacant lot, ditches, streets, or alleys in the city of West Fork.
- G. It shall be unlawful for any person, firm or corporation to permit the accumulation of garbage or refuse on their own property except in suitable covered sanitary containers.

- H. The meddling with refuse containers or their contents or in any way pilfering, scattering contents or junking in any alley or street or on private property within the city limits is prohibited. (Ord. No. 117, Sec. 5)

5.24.06 Equipment

- A. Equipment used in the transportation of all refuse shall meet approval of Arkansas State Health Department and be designed to prevent spillage of contents.
- B. All trucks used by the contractor shall be compacting type truck body. (Ord. No. 117, Sec. 6)

5.24.07 Penalty Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) for each day of violation of the provisions of this ordinance shall constitute a separate offense and punishable as such. (Ord. No. 117, Sec. 7)

5.24.08 Competitive bids The City Council is empowered to submit specifications for competitive bids to the general public, to accept such bid as the Council, in its discretion, may deem advisable for the best interest of the city and to thereafter engage in a written contract with such successful bidder for collection, removal and disposal of garbage and trash as contemplated by this ordinance and in keeping with said specifications. (Ord. No. 117, Sec. 8)

CHAPTER 5.28

NORTHWEST ARKANSAS RESOURCE RECOVERY AUTHORITY

Sections:

- 5.28.01 Created
- 5.28.02 Membership
- 5.28.03 Powers
- 5.28.04 Directors
- 5.28.05 Acceptance of waste
- 5.28.06 Definition
- 5.28.07 Fine
- 5.28.08 Effective date

5.28.01 Created That the city of West Fork, Arkansas, shall join in the creation of a Northwest Arkansas Resource Recovery Authority along with the city of Fayetteville.

5.28.02 Membership The city of West Fork, Arkansas, is hereby authorized to become an initial member of the Northwest Arkansas Resource Recovery Authority.

5.28.03 Powers That the powers of such Authority shall be as follows:

- A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of any real property, personal property or mixed property of any and every kind that can be used or that will be useful in the controlling, collecting, storing, removing, handling, reducing, disposing of, treating and otherwise dealing in the concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid waste to steam) and distributing such steam to users thereof or otherwise separating and preparing solid wastes for reuse.
- B. To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties.
- C. To adopt an official seal and alter the same at pleasure.
- D. To maintain an office at such place or places as it may determine.
- E. To sue and be sued in its own name and to plead and be impleaded.
- F. To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the Authority under Act 699 of 1979, including contracts with persons, firms, corporations and others.
- G. To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, license, certificates or approvals as may be necessary and to construct, maintain and operate projects in accordance with and to obtain, hold and use such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person.
- H. To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority therefore.

- I. To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage of property.
- J. To fix, charge and collect rents, fees and charges for the use of any project or portion thereof or for steam produced therefrom.
- K. To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the Authority.
- L. To distribute steam produced by a project to any person, municipality or county.
- M. To buy, sell, exchange, own and generally deal in real property, improved and unimproved and buildings of every class and description.
- N. To pledge or hypothecate any and all property of the Authority, both real, personal or mixed, owned or leased by the Authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this Authority.
- O. To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto.
- P. To do any and all other acts and things necessary, convenient or desirable to carry out the proposed and to exercise the powers granted to the Authority herein.

5.28.04 Directors The number of directors of said Authority shall be nine (9). Seven (7) directors shall be those individuals comprising the Fayetteville Board of Directors or individuals appointed by said Board of Directors. One (1) director shall be appointed by the governing body of Washington County, Arkansas and one (1) director shall be appointed by the governing body of West fork, Arkansas. In voting to take any action or to pass any resolution, each director shall be entitled to cast one (1) vote. Five (5) affirmative votes shall be required to approve a motion or to pass a resolution. (Ord. No. 159, Sec. 1)

5.28.05 Acceptance of waste All acceptable solid waste generated or collected within the corporate boundaries of the city shall be delivered to the solid waste disposal and resource recovery facility (the "Facility") owned by the Northwest Arkansas Resource Recovery Authority for disposal, treatment or other handling. (Ord. No. 169, Sec. 1)

5.28.06 Definition The term acceptable solid waste shall mean all garbage, trash, rubbish, refuse and offal that is normally disposed of by a residential household, commercial business or industrial facility; provided that acceptable waste shall not include non-acceptable waste and shall not include waste containing more than occasional rubber tires as would normally be disposed of by household or commercial establishments which are not engaged in the manufacture, sale or exchange of rubber tires and tubes. (Ord. No. 169, Sec. 2)

5.28.07 Fine Any person delivering solid waste generated or collected within the corporate boundaries of the city to a site other than the Facility site shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of up to Five Hundred Dollars (\$500.00) for the first offense and up to One Thousand Dollars (\$1,000.00) for each subsequent offense. (Ord. No. 169, Sec. 3)

5.28.08 Effective date This ordinance shall become effective on the commencement date of the Facility. The term "commencement date" shall mean the date on which the operator commences commercial operation of the Facility following the start-up process and notifies the Authority in writing that it is prepared to receive acceptable waste at the facility on a regular basis, and the authority notifies the city in writing that the facility is prepared to receive acceptable waste from the city. (Ord. No. 169, Sec. 4)

CHAPTER 5.32

RENEWABLE RESOURCE CENTER

Sections:

5.32.01 City enterprise

5.32.01 City enterprise The West Fork Renewable Resource Center is hereby proclaimed to be a city enterprise and all W.F.R.R.C. organizers and committee members are deemed agents of the city of West Fort, Arkansas in the performance of their duties, and they shall, to the extent allowed by law, be afforded tort immunity for their actions performed in furtherance of West Fork Renewable Resource Center. (Ord. No. 2008-408, Sec. 1.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs
- 6.08 Other Animals and Fowl
- 6.09 Dog Tags, Vaccination and Leash Law
- 6.10 Vicious Animals

CHAPTER 6.04

DOGS

Sections:

- 6.04.01 Definitions
- 6.04.02 Enforcement
- 6.04.03 Confinement of certain dogs
- 6.04.04 Rabies control
- 6.04.05 Impoundment
- 6.04.06 Redemption and other disposition of impounded dogs
- 6.04.07 Investigation
- 6.04.08 Interference
- 6.04.09 Records
- 6.04.10 Penalty

6.04.01 Definitions. As used in this chapter:

- A. "Owner" means any person owning, keeping or harboring a dog or dogs.
- B. "Kennel" means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.
- C. "Animal shelter" means any premises designated by the city for impounding and caring for all dogs whose owners are found to be in violation of this chapter.
- D. "Animal warden" means the person or persons employed by the city as its officer or officers to enforce this chapter.
- E. "Administrator" means the person appointed by the city to supervise the enforcement of this chapter.
- F. "Exposed to rabies" denotes an animal which has been bitten by or exposed to any other animal known to have been infected with rabies.

6.04.02 Enforcement. The provisions of this chapter shall be enforced by the animal warden under the supervision of the Administrator.

6.04.03 Confinement of certain dogs. Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such dog cannot come into contact with any male dog except for intentional breeding purposes.

6.04.04 Rabies control.

(a) No person shall own, keep or harbor any dog six (6) months of age or older within the corporate limits of the city unless such dog is effectively immunized against rabies by vaccination with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. To assure compliance with this provision requiring effective immunization against rabies, every owner of a dog six (6) months of age or older shall in 1978 and each year thereafter cause such dog to be vaccinated with an approved canine anti-rabies vaccine during the period January 1 to March 31, inclusive.

(b) Every owner is required to secure a metallic vaccination tag at the time his dog is vaccinated and to securely fasten such tag to a collar which must be worn by the dog at all times unless the dog, accompanied by the owner thereof or by someone using the dog with such owner's permission is engaged in hunting or other sport where a collar would constitute a threat to the dog's safety.

(c) To implement the enforcement of the anti-rabies requirement of this chapter, the City Council of the city shall have the power and authority to require every owner of a dog of any age to confine his dog within a building, enclosure or vehicle or to control his dog by a leash.

(d) Every animal which bites a person shall be promptly reported to the animal warden, shall thereupon be securely quarantined by him for a period of ten (10) days, and shall not be released from quarantine except by written permission of the Administrator. At the discretion of the Administrator, such quarantine may be on the premises of the owner, at the animal shelter or (at the owner's option and expense), in a veterinary hospital of the owner's choice. In the case of stray animals or in the case of animals whose ownerships are not known, such quarantine shall be at the animal shelter.

(e) Upon demand by the animal warden, the owner shall forthwith surrender, for supervised quarantine at the owner's expense, any animal which has bitten a human or which is suspected to have been exposed to rabies. Such animal may be reclaimed by the owner if it is adjudged free of rabies, provided, however, that if such animal is a dog, the owner may reclaim it only upon payment of the fees set forth in Section 6 of this chapter.

(f) When rabies have been diagnosed in an animal under quarantine or when rabies is suspected by a licensed veterinarian, if the animal dies while under such observation, the Administrator shall immediately send the head of such animal to the State Department of Public Health for pathological examination and also shall notify the proper public health officer of reports of human contacts and of the diagnosis. If a positive diagnosis of rabies is made, the Administrator shall impose a city-wide quarantine for a period of sixty (60) days and during such period of quarantine, every pet animal within the city must be kept within a building, enclosure or vehicle or be controlled by a leash. During such quarantine, no animal may be taken or shipped from the city without written permission of the Administrator.

(g) Any animal bitten by a known rabid animal shall be immediately destroyed; provided, that if the owner is unwilling to destroy the animal or have it destroyed, the Administrator shall allow the owner to strictly isolate such animal in a kennel for six (6) months.

(h) In the event one or more additional cases of rabies occur during the period of quarantine, the Administrator may extend the period of quarantine for an additional period not to exceed six (6) months.

(i) No person shall, without written permission from the Administrator, kill, cause to be killed, or remove from the corporate limits of the city, any rabid animal, any animal suspected of having been exposed to rabies or any animal which has bitten a human.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction, as required herein, when demand is made therefor by the Administrator and he shall direct the disposition of any animal found to be infected with rabies.

6.04.05 Impoundment.

(a) Any dog described in Section 6.04.03 which is not confined as required, any dog constituting a public nuisance, any dog not wearing a collar or which is attached a metallic tag evidencing the currently effective vaccination against rabies, and any dog which is not confined or controlled by a leash shall be taken up by the animal warden impounded in the animal shelter, and there confined in a humane manner for a period of not less than five (5) days and may be disposed of in a humane manner if not claimed by his owner. Any dog not claimed may be disposed of by the animal warden.

(b) Immediately upon impounding any dog, the animal warden shall make a reasonable effort to ascertain and to notify the owner of such dog, and inform this owner of the conditions whereby he may regain custody of his dog.

6.04.06 Redemption and other disposition of impounded dogs.

(a) The owner of an impounded dog shall be entitled to resume possession of his impounded dog upon payment of an impoundment fee of Five dollars (\$5.00) to the city through the animal warden; provided that the impoundment fee shall be Ten Dollars (\$10.00) if a dog has been impounded more than one time. In addition to the fees to be collected by the City of West Fork, if the owner of an impounded animal, including but not limited to, dogs and cats that have been held in the Fayetteville Animal Shelter, such owner shall be entitled to resume possession only after payment of a Ten Dollar (\$10.00) pick up fee and a One Dollar (\$1.00) handling fee which are both payable to the city of Fayetteville through the Fayetteville Animal Shelter. Proof of payment of all fees and ownership of the animal must be provided to the city of West Fork through the Animal Warden and must be submitted prior to or at the time of redemption. (Ord. No. 185, Sec. 1)

(b) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days may be placed by the animal warden in the custody of any person applying therefor and who is deemed by the animal warden to be a responsible and suitable person to become the new owner of the dog; provided, however, that before becoming the new owner of the dog, such person must agree to comply with all the other provisions of this chapter and must pay an impoundment fee of Five Dollars (\$5.00) to the city through the animal warden and a Ten dollar (\$10.00) pick-up fee and a One Dollar (\$1.00) handling fee which are both payable to the city of Fayetteville through the Fayetteville Animal Shelter (Ord. No. 185, Sec. 2)

(c) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days and not placed in the custody of some other person under the provisions of subsection (b) next above may be humanely destroyed or otherwise disposed of by the animal warden after such dog has been impounded for thirty (30) days.

6.04.07 Investigation. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal warden or the marshal is empowered to enter upon any premises upon which a dog is kept or harbored and to demand and secure the owner's exhibition of such dog. The animal warden is further empowered to enter the premises where any dog is reportedly kept in a cruel or inhumane manner, to examine such dog, and to take possession when, in his opinion, the dog requires humane treatment.

6.04.08 Interference. No person shall interfere with, hinder or molest the animal warden in the performance of any duties undertaken by him pursuant to this chapter, or seek to release any dog in the custody of the animal warden except as herein provided.

6.04.09 Records. It shall be the duty of the animal warden to keep or cause to be kept accurate and detailed records of: (a) the impoundment and disposition of all dogs coming into his or her custody, (b) all bite cases reported to him or her and his or her investigation of same and (c) all moneys belonging to the City. These records shall be kept open for inspection at reasonable times by those persons responsible for similar records of the city and shall be audited by the city at the same time and in the same manner as other city records are audited.

6.04.10 Penalty. Any person violating any provision of this chapter shall be, upon conviction, fined not more than Two Hundred Dollars (\$200.00) and each day's violation shall be deemed a separate offense.

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

- 6.08.01 Unlawful to allow public health problem or nuisance
- 6.08.02 Complaint procedure
- 6.08.03 Penalty

6.08.01 Unlawful to allow public health problem or nuisance. It shall be unlawful for any person to keep within the corporate limits of the city of West Fork, Arkansas, any horse, cattle, hogs, sheep, goats, chickens, dogs or other livestock or poultry in such numbers as to create a public health risk or nuisance or interfere with the rights of any resident to the enjoyment of their property. It shall be the duty of the Mayor and City Council of the city of West Fork, Arkansas, to abate such nuisance or conditions upon complaints and upon finding of such nuisance. A nuisance shall include, but not be limited to, any animal that molests passersby or passing vehicles, damage private or public property or barks, whines, howls or makes any noise in an excessive, continuous or untimely fashion, so as to disturb the peace. (Ord. No. 245)

6.08.02 Complaint procedure. The city's police officers are authorized to issue a citation to any person violating any provision of this chapter in the presence of said police officer. (Ord. No. 334, Sec. 1.)

6.08.03 Penalty. Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of this chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued. (Ord. No. 334, Sec. 3.)

CHAPTER 6.09

DOG TAGS, VACCINATION AND LEASH LAW

Sections:

- 6.09.01 Annual tax and tag
- 6.09.02 Rabies vaccination required; duplicate tags
- 6.09.03 Animals running at large

6.09.01 Annual tax and tag.

(a) Levy and amount of tax. There is hereby levied and there shall be collected an annual tax in the amount hereinafter provided on each dog or cat owned or kept within the city. Said tax shall be paid to the City Clerk.

For each dog or cat the tax levied hereby shall be in the amount of Two Dollars (\$2.00) if said tax is paid on or before the first day of July and in the amount of Four Dollars (\$4.00) if said tax is paid thereafter.

The owner or operator of any State Licensed and approved Dog or Cat Kennel operated within the city may, at his option, apply for a city permit covering all dogs or cats kept at said kennel in the ordinary course of business for an annual fee of Twenty-Five Dollars (\$25.00). This shall be in lieu of the fee above described for individual animals.

Should a dog or cat be brought into the city or obtain the age of three (3) months after the first day of February, the person owning or keeping such dog or cat shall have thirty (30) days in which to pay the tax levied hereby. Any person failing to pay said tax within such period shall be required to pay the applicable higher tax specified above.

(b) Issuance of tax receipt and tag. The City Clerk to whom the tax levied by subsection (a) above is paid shall issue a receipt therefor and shall issue to each person paying said tax a metal tag indicating that said tax has been paid for the current year; provided, a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies within one (1) year prior thereto.

(c) Tag to be attached to animal's collar. It shall be the duty of the owner or keeper of every dog or cat within the City of West Fork to attach the tag provided for in subsection (b) to a collar securely fixed around the neck of said dog or cat.

(d) Exceptions. Nothing in this section shall be construed to apply to any dog or cat under the age of three (3) months on the first day of February of the current year or to dogs or cats brought to the City on a temporary basis for show or exhibition.

6.09.02 Rabies vaccination required; duplicate tags. All dogs or cats in the City and other pets which are subject to rabies shall be vaccinated annually against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog or cat in the City. Any person who shall keep any pet which is subject to rabies in the City without first having such pet vaccinated for rabies at least once a year shall be guilty of a misdemeanor.

In case a dog or cat tag for the animal tax or rabies vaccination required by this ordinance is lost or destroyed, a duplicate shall be issued by the City Clerk upon presentation of a receipt or other verification showing payment of said tag or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any tax because of the death of the animal or because the owner leaves the City before the expiration of the license period.

6.09.03 Animals running at large. Any dog or cat found running at large in the city of West Fork, Arkansas, without a proper leash and owner's supervision shall be impounded by the City Officer empowered to take such action. (Ord. No. 289)

Any dog or cat found running at large with or without a valid city license tag and rabies tag shall be transported to the Fayetteville City Animal Shelter. A fee of Five Dollars (\$5.00) per day shall be charged for holding animals with or without a tag picked up within the city of West Fork. (Ord. No. 289)

An impound fee of Five Dollars (\$5.00) in addition to the above holding charge shall be charged against the owner of any dog or cat which is found running at large within the city of West Fork. (Ord. No. 289)

It shall further, and in addition to the above penalties, be a misdemeanor punishable by a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for allowing a dog or cat to run at large within the city of West Fork. A dog or cat running at large shall be prima facie evidence of the owner's intent to allow the dog or cat to so run. (Ord. No. 289)

CHAPTER 6.10**VICIOUS ANIMALS****Sections:**

- 6.10.01 Definitions
- 6.10.02 Vicious animals prohibited
- 6.10.03 Fighting animals prohibited

6.10.01 Definitions.

(a) Enclosure means a fence or structure forming or causing an enclosure suitable to confine a vicious animal and prevent the animal from escaping.

(b) Harbor means for a period of three (3) days or more to keep and care for an animal or provide a premises to which the animal returns.

(c) Vicious animal means:

1. Any animal which, when unprovoked, approaches in a manner of attack any person upon the streets, sidewalks or any other public ground or place; or
2. Any animal with a known propensity, tendency or disposition to attack without provocation human being or domestic animal; or
3. Any animal which, without provocation, bites or attacks a human being or domestic animal on public or private property; or
4. Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.

Notwithstanding the above definition, an animal shall be declared vicious if the person attacked or bitten by said animal was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

No animal shall be declared vicious if a domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal. No animal shall be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault. (Ord. No. 180, Sec. 1)

6.10.02 Vicious animals prohibited. All vicious animals shall be confined in an enclosure. It shall be unlawful for any person to keep or harbor a vicious animal upon any premises which does not have a locked enclosure.

It shall be unlawful for a vicious animal to be outside of a dwelling or enclosure unless it is necessary for the owner or harborer thereof to obtain veterinarian care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the Animal Control Officer with respect to the vicious animal and the owner or harborer of an animal in violation of this section shall be subject to criminal prosecution. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, shall be collared with a blaze orange collar and shall be under the direct control and supervision of the owner or harborer of the vicious animal.

If a complaint has been filed in the West Fork Municipal Court against the owner or harborer of an impounded animal for violation of this section, the animal shall not be released except on order of the Court which order may also direct the owner or harborer to pay a fine in an amount no less than One Hundred Dollars (\$100.00) and no greater than Five Hundred Dollars (\$500.00); be subject to incarceration in the County Jail for a period not to exceed six (6) months; pay court costs and all impoundment fees. Upon a finding that such animal is a vicious animal, the Court may order said animal to be euthanized in a humane manner. Surrender of an animal by the owner or harborer thereof to the Animal Control Officer shall not render the owner or harborer thereof immune from the penalties above. (Ord. No. 298, Sec. 2.)

The provisions of this section shall not apply to animals owned by a law enforcement agency and used for law enforcement purposes. (Ord. No. 180, Sec. 2)

6.10.03 Fighting animals prohibited. It shall be unlawful for any person to train, cause or encourage any animal to fight with another animal or to make an unprovoked attack on human beings or domestic animals. Violation of this Section carries the same penalties as Section 2 hereinabove. (Ord. No. 298, Sec. 3.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Prohibited Weapons
- 7.16 Claims against City
- 7.20 Loitering
- 7.24 Storage and Handling of Volatile Combustibles
- 7.25 Unlawful Setting or Spreading of Fire Generally; Defacing or Destroying Fire Warning Notices
- 7.28 Outside Fire Service
- 7.32 Fireworks
- 7.36 Signs
- 7.40 Sexually Oriented Businesses
- 7.44 Alarm Devices Requiring Police or Fire Response
- 7.48 Library
- 7.52 Sale of Harmful Substances

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, off ice 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, f or 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-ol.....
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.)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State laws
- 8.08 Truck routes
- 8.12 Emergency vehicles
- 8.16 Non-operating vehicles
- 8.20 Northwest Arkansas Regional Mobility Authority

CHAPTER 8.04

ADOPTION OF STATE LAWS

Section:

- 8.04.01 Adoption of state laws

8.04.01 Adoption of State laws The "Uniform Act Regulating Traffic on Highways of Arkansas" as contained in Title 75 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer, are hereby adopted as traffic rules and regulations within and for the city. Any person convicted of a violation of said statutes shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

CHAPTER 8.08

TRUCK ROUTES

Sections:

- 8.08.01 Weight limits
- 8.08.02 Truck routes
- 8.08.03 Exemptions
- 8.08.04 Permit
- 8.08.05 Penalty

8.08.01 Weight limits No motor vehicle or trailer as defined by Arkansas law having a gross weight in excess of twelve thousand pounds (12,000 lbs.) shall travel, pass, park or otherwise be located on any street or streets of the city of West Fork, Arkansas, unless said street or streets is designated a "Truck Route" as hereinafter set forth. (Ord. No. 127, Sec. 1)

8.08.02 Truck routes There shall exist within the city of West Fork, Arkansas, the following designated "Truck Routes" over, across and upon the following designated streets:

- A. Any street within the city of West Fork, Arkansas, which coincides with any state or federal highway.
- B. Campbell Street from its intersection with Main Street North to the West Fork city limits. (Ord. No. 127, Sec. 2)

8.08.03 Exemptions The following motor vehicles or trailers are expressly exempt from compliance with this ordinance in order to allow for the citizens' constitutional right to travel:

- A. Any motor vehicle or trailer used to pick up, transport or deliver household goods, furnishings, or property, or materials to be used in the construction, improvement or maintenance, or residences or schools or related structures within the West Fork city limits.
- B. Any and all school buses used in the transportation of school students or personnel. (Ord. No. 127, Sec. 3)

8.08.04 Permit Upon application and payment of a Five Dollar (\$5.00) processing fee, any operator/owner of any motor vehicle or trailer restricted by this ordinance may seek a permit waiving the application of this ordinance for a limited time and purpose when to enforce this ordinance would otherwise work an undue hardship, which permit, if granted by a majority vote of the City Council, shall designate the particular vehicle or trailer, the time, place and manner by which said vehicle or trailer will be permitted to cross over or upon the city streets therein designated. (Ord. No. 127, Sec. 4)

8.08.05 Penalty Violators of this ordinance shall be subject to a fine of Twenty-Five Dollars (\$25.00) for the first offense and Fifty Dollars (\$50.00) for the second and each of the subsequent violations. (Ord. No. 127, Sec. 5)

CHAPTER 8.12

EMERGENCY VEHICLES

Sections:

8.12.01 Right of way

- 8.12.02 Following prohibited
- 8.12.03 Restriction of vehicular traffic
- 8.12.04 Strict enforcement
- 8.12.05 Exempt personnel
- 8.12.06 Penalty

8.12.01 Right of way When any emergency vehicle is on an emergency run, a siren and/or flashing light shall be operated at all times while said vehicle is in motion. Any such moving emergency vehicle shall be entitled to and shall receive the right of way over all pedestrian and vehicle traffic. When the operator of any non emergency vehicle is approached from any direction by such emergency vehicle, he shall immediately move his vehicle to the extreme right side of the street, and shall come to a full stop, remaining at such full stop until all such emergency vehicle movements have passed.

8.12.02 Following prohibited No person except as herein authorized shall follow any emergency vehicle which is operating its emergency signals.

8.12.03 Restriction of vehicular traffic No vehicular traffic (other than that of authorized personnel specified herein) shall be permitted within a three (3) block radius of any emergency, unless such vehicular movement is permitted by order of the fire, police or medical personnel in charge at the scene of such emergency. Fire, police or other authorized personnel shall have the specific authority to order all pedestrians and spectators outside said emergency area at any time.

8.12.04 Strict enforcement The provisions hereof shall be strictly enforced; members of the Police Department, the Auxiliary Police Department, the Fire Department, the Volunteer Fire Department and all other duly qualified and acting law enforcement officials shall have full and complete authority to make arrests and/or issue summons to violators, and such arrests and/or summons for any such violation shall be valid and enforceable by court order as in other cases.

8.12.05 Exempt personnel The following personnel when acting in the line of duty are specifically exempt from the provisions of this chapter:

1. All regular and Volunteer Fire Department personnel.
2. All regular and auxiliary police personnel.
3. News reporting and photography personnel for public communications media.
4. Medical, nursing and ambulance personnel.
5. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
6. Public utility personnel.

8.12.06 Penalty Any person violating any of the provisions hereinabove shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars.

CHAPTER 8.16

NON-OPERATING VEHICLES

Sections:

8.16.01	Definitions
8.16.02	Prohibiting non-operating vehicles from certain areas
8.16.03	Time limit
8.16.04	Procedures
8.16.05	Penalty

8.16.01 Definitions

Inoperable motor vehicle shall be interpreted to mean any vehicle placed on blocks or one that does not have current, valid license plates, or has one of more wheels removed, or is not in proper condition to be legally operated on the streets of the City of West Fork because of lack of proper mufflers, tires, headlights, or other mechanical defects or because of lack of an integral part of assembly, or is not capable of self-locomotion.

Open storage shall be interpreted to include a carport which has at least two open sides.

Public property shall be construed as any street, alley, right-of-way, or property that is owned or under the control and supervision of the municipality.

Private property shall be interpreted to mean any and all other property that is not classified as public.

Person shall extend and be applied to firms, corporations or voluntary associations as well as to individuals unless plainly inapplicable. (Ord. No. 102)

8.16.02 Prohibiting non-operating vehicles from certain areas It shall be unlawful for any person to maintain, store or keep upon any public property, a junked, wrecked or inoperable, unlicensed vehicle as defined in this ordinance. (Ord. No. 102, Sec. 1)

8.16.03 Time limit It shall be unlawful for any person to keep maintain or store junked, wrecked, inoperable or unlicensed vehicle, as defined in this ordinance, upon private property in the open within the corporate limits of this city for a period of more than three (3) days. (Ord. No. 102, Sec. 2)

8.16.04 Procedures Whenever officers of the Fire Department or Police Department observe any such vehicles as defined in this ordinance, placed or stored in the open upon public property, the owner thereof shall be notified in writing to remove the vehicle within twenty-four (24) hours and in the event said vehicle is not removed, the Police Department is hereby

authorized and directed to arrange for removal of said vehicle and impound same in accordance with the laws covering abandoned motor vehicles. In the event said motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the Police Department shall immediately arrange for the removal of said motor vehicle.

When officers heretofore designated observe or find motor vehicles disassembled, abandoned, inoperable, unlicensed, junked or wrecked, as defined in this ordinance, in the open private property, the Police Department shall exert every effort to locate the owner of the motor vehicle or the person responsible for placing same upon private property and serve a written notice upon said person to remove the vehicle within three (3) days of said notice. In the event the motor vehicle owner or the person responsible for parking or storing same in the open upon private property cannot be located, then a written notice shall be given to the owner of the property or the person in custody or control of the property notifying them to remove said vehicle within twenty (20) days from the receipt of such notice, upon the expiration of twenty (20) days, if the owner of the property or the person in possession or control of the property has not removed said vehicle, the Police Department shall take the necessary action to remove said motor vehicle and same shall be handled as an abandoned automobile under the laws of the State of Arkansas and disposed of accordingly.

The cost of the investigation, towing, removal and storage of said motor vehicle shall constitute a lien upon said property from which it was removed not to exceed Twenty-Five Dollars (\$25.00) and the City Attorney is hereby authorized and directed to take the necessary legal action to establish and perfect a lien against said property provided, however, that nothing in this ordinance is to be interpreted as preventing any licensed business dealing in any manner with any types of automobiles from operating in a properly zoned area. It is hereby further provided that nothing in said ordinance is to be interpreted as preventing a person from keeping upon his private property for a reasonable time one such inoperable motor vehicle, as defined in this ordinance, for the purpose of making minor repairs and in cases where automobiles are being constructed and/or modified for the purposes of racing, same upon sanctioned drag strips or race courses. (Ord. No. 102, Sec. 3)

8.16.05 Penalty Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), and each day and each vehicle and each day for each vehicle such violation occurs shall be considered a separate offense. (Ord. No. 102, Sec. 4)

CHAPTER 8.20

NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY

Sections:

8.20.01 Authorization

8.20.01 Authorization The city of West Fork's participation in the Northwest Arkansas Regional Mobility Authority is hereby authorized and approved. (Ord. No. 2008-405, Sec. 1.)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.09 Street Naming and Street Numbering System

CHAPTER 9.04

STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Gutters or ditches

9.04.01 Streets and alleys. It shall be the duty of every owner or occupant of any lot or premises in this city along which any street or alley runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

9.04.02 Gutters or ditches. No person shall allow any dirt, filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash and weeds and all obstructions to the easy and rapid flow of water.

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

- 9.08.01 Excavations - permit
- 9.08.02 Application for permit - deposit
- 9.08.03 Excavations to be restored

9.08.01 Excavations - permit. No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the Recorder/Treasurer a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under and the purpose for which said permit is granted.

9.08.02 Application for permit - deposit. Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted, the applicant shall deposit with the City Clerk/Treasurer for the purpose of insuring that the street is properly restored the sum of Twenty Dollars (\$20.00) per square foot for cutting concrete or other bituminous surface and Ten Dollars (\$10.00) per square foot for cutting into gravel surface; provided the minimum deposit shall be Fifty Dollars (\$50.00) irrespective of the estimate. (Ord. No. 336, Sec. 1.)

9.08.03 Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE-See Hdbk. 11-1.1

CHAPTER 9.09

STREET NAMES AND STREET NUMBERING SYSTEM

Sections:

- 9.09.01 Street naming
- 9.09.02 Street numbering

9.09.01 Street naming.

- (a) The City Council shall be the final authority on the naming or renaming of streets.
- (b) Streets running North and South shall be known as avenues, boulevard or ways and streets running East and West shall be known as streets, roads or drives. All cul-de-sacs shall be known as places. All loop streets which begin and end on the same street without any other outlets shall be known as courts and circles. All streets which run for a distance greater than three hundred (300) feet on a diagonal from thirty degrees to sixty degrees off from North/South or East/West shall be known as lanes, trails or terraces. State or federal highways shall be known by their highway number and may also carry a local name in keeping with this ordinance.
- (c) Street names shall not be duplicated and names with a similar pronunciation such as Main/Maine shall be avoided.
- (d) Extensions of existing streets or the extension of a street with less than a one hundred (150) foot offset from an existing street shall carry the same name as the existing street.

(e) Unnamed streets will be identified by the County road Numbering System established by the Arkansas Highway and Transportation Department until such time as they are given a local name by the City Council.

9.09.02 Street numbering.

(a) The West Fork Street Numbering System Map is adopted by reference and declared to be a part of this ordinance.

(b) The city of West Fork is hereby divided into four (4) quadrants; Northeast, (NE), Southeast (SE), Southwest (SW), and Northwest (NW) as shown on the West fork Street Numbering System Map and addresses and street names assigned shall be identified by the quadrant such as 197 NW Main Avenue.

(c) Street numbers shall be assigned starting with the number one (1) or two (2) at the zero-zero base point and proceeding in an increasing order North/South and East/West.

(d) A block of ninety-nine (99) numbers is established for every one thousand (1000) feet interval starting from the zero base point which will allow a number change every twenty (20) feet.

(e) Odd numbers will be assigned on the South and West side of streets and even numbers will be assigned on the North and East side of streets.

(f) The property owner shall be responsible for displaying the street number assigned in a place visible by the using public.

TITLE 10

WATER AND SEWER

Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates

CHAPTER 10.04

SEWER REGULATIONS

Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Private sewage disposal system
- 10.04.04 Building sewers and connections
- 10.04.05 Use of public sewers
- 10.04.06 Power and authority of inspector
- 10.04.07 Protection from damage
- 10.04.08 Penalty for violation

10.04.01 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter.
2. "Building Drain" shall mean that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
4. "Combined Sewer" shall mean receiving both surface run off and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

8. "Person" shall mean any individual, firm, company, association, society, corporation or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Shall" is mandatory; "May" is permissive.

18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

19. "Storm-Drain" (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

20. "Superintendent" shall mean the city engineer or his authorized agent, deputy, or representative.

21. "Suspended Solids" shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

22. "Watercourses" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

10.04.02 Use of public sewers required.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes,, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.

10.04.03 Private sewage disposal.

1. Where a public sanitary or combined sewer is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of State Health Department Rules and Regulations.

2. At such time as a public sewer becomes available to a property served by private sewage disposal system, as provided in this Section a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

4. No statement contained in this chapter shall be construed to interfere with any additional requirements that the health officer may impose.

5. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

10.04.04 Building sewers and connections.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance therein without first obtaining a written permit from the superintendent.

2. There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee as established by Chapter 11.08 for a residential or commercial building sewer permit and Twenty-five (\$25.00) Dollars for an industrial building sewer permit shall be paid to the city at the time the application is filed.

3. All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may extend to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

6. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in application thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No 9 shall apply.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

10. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

10.04.05 Use of public sewers.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, oil, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or any part of the sewer treatment facilities or sanitary sewerage works, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, pauch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).

(b) Any water or wastes containing fats, wax, greases, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 to 65 degrees C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH excess of 9.5.

(i) Materials which exert or cause: 1. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride, sodium sulfate). 2. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions). 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works. 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable

to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.05, part 4, and in which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may: (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge to the public sewers, (c) require control over the quantities and rates of discharge, and/or (d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of part 10 of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

8. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

9. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

10. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

10.04.06 Power and authority of superintendent.

1. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

2. While performing the necessary work on private properties referred to in part one (1) above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 10.04.05, part 8.

3. The superintendent and other duly authorized employees of the city bearing proper credentials and identifications shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

10.04.07 Protection from damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer works. Any person violating this provisions shall be deemed guilty of a misdemeanor.

10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter except Section 10.04.07 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender, shall within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Part 1 of this section shall be guilty of a misdemeanor and on conviction thereof, shall be fined in the amount not exceeding Twenty-Five Dollars (\$25.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

- 10.08.01 Water rates
- 10.08.02 Sewer rates
- 10.08.03 Payment procedures
- 10.08.04 Statement

10.08.01 Water rates. That the following rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be and they are hereby fixed as rates to be charged for water services to be rendered by the system effective February 1, 2008 .

- A. Monthly Water Rates. The water usage of each customer shall be determined each month by meter measurement, and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of water consumption per month, or portion thereof	\$11.00 (Minimum)
For the next 3,000 gallons of water consumption per month or portion thereof	\$5.40 per 1,000 gallons
For the next 45,000 gallons of water consumption per month or portion thereof	\$5.00 per 1,000 gallons
For all water consumption in excess of 50,000 gallons (Ord. No. 395, Sec. 1.)	\$3.50 per 1,000 gallons

- B. Customers whose water connection is located outside the corporate limits of the city shall, in addition to the above charges, pay a monthly surcharge of Eighteen Dollars and Twenty-Five Cents (\$18.25) per meter. (Ord. No. 395, Sec. 1.)
- C. Each owner of a fire hydrant (including the city) shall pay a charge of Twenty-five Dollars (\$25.00) per year per hydrant.
- D. For water delivered to a portable tank truck there shall be a charge of Ten Dollars (\$10.00) per 1,000 gallons. (Ord. No. 395, Sec. 1.)
- E. Tapping fee (Water) There shall be a tapping fee of Six Hundred Sixty Dollars (\$660.00) or the cost of making the connection, whichever is greater, for each connection to the Water System. (Ord. No. 372, Sec. 1.)
- F. Meter deposit Each customer who hereafter connects with the Water System shall pay a meter deposit in the amount of Eighty-Five Dollars (\$85.00) for each meter installed. The meter deposit shall be retained to assure prompt payment of monthly water bills. (Ord. No. 372, Sec. 1.)
- G. Re-connection charge In the event any premises are disconnected from the Water System, the customer concerned, prior to reconnection, shall pay all delinquent charges, together with a reconnection charge of Fifty Dollars (\$50.00) for each reconnection of the premises to the Water System. (Ord. No. 372, Sec. 1.)
- H. That none of the facilities or services afforded by the Water System shall be furnished without a charge being made therefore.
- I. The operation of the Water System shall be on fully metered basis, that is, that meters shall be installed at each water connection and all bills for water services shall be rendered in the net amount due. If any water bill is not paid on or before

the tenth (10th) day after the bill therefor shall be rendered, a ten percent (10%) penalty shall be added and if any bill is not paid within twenty (20) days after the bill shall be rendered, water service may be disconnected. There shall be no dual connection, that is, there shall be not more than one (1) user to a single meter. (Ord. No. 312, Sec. 1.)

10.08.02 Sewer rates. That the following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be and they are hereby fixed as rates to be charged for sewer services to be rendered by the system.

The City Council does hereby declare that the sewer rates for properties connected to and using the water system shall be one hundred percent (100%) of the billed water charges. Monthly billings for the sewer system shall be made with and as a part of the water system billings and payment of water service shall not be accepted without the payment for sewer system services.

For properties using the sewer system but not connected with the water system, the charges shall be as follows:

\$45.00 flat rate per house per month for single family houses.

\$45.00 per unit per 1,200 square feet of floor space, whichever is greater, for all other users.

There shall be a sewer tapping fee of Six Hundred Sixty Dollars (\$660.00) or the cost of making the tap, whichever is greater, for each connection to the sewer line.

That none of the facilities or services afforded by the Sewer System shall be furnished without a charge being made therefore. (Ord. No. 372, Sec. 2.)

10.08.03 Payment Procedures. Vacant unoccupied property not actually using the Sewer System shall not be subject to a charge, but the burden of showing vacancy and non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. Under the provisions of A.C.A. 14-235-223, a lien is fixed upon the land for any unpaid charge, even though the use of the Sewer System is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the tenth (10th) day after the bill therefore shall be rendered, a ten percent (10%) penalty shall be added, and if any sewer charge is not paid on or before the twentieth (20th) day after the bill is rendered, suit shall be brought to enforce the lien and to collect the amount due, together with the expenses of collection and a reasonable attorney's fee. (Ord. No. 312, Sec. 3)

10.08.04 Statement. A single statement will be submitted for monthly water and sewer charges. Collections shall be applied first to discharge of sewer charges. (Ord. No. 312, Sec. 4)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building and Standard Codes

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Issuance
- 11.04.05 Penalty

11.04.01 Required The owner of any land situated within the incorporated limits of the city shall neither construct nor allow construction or placement, on such land, of any building or structure of a type set forth in Sub-paragraphs (A) through (C) below, without having obtained a building permit from the city.

- A. Single-family residence.
- B. Multiple-family residence.
- C. Any building in which, or from which, any business, commercial enterprises, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.

11.04.02 Application The application for any building permit by this chapter will be submitted by the landowner concerned to the Building Inspector or his designated person at the City Administration Building in duplicate copy, and shall contain as a minimum the following:

- A. Name, mailing address, and telephone number of the applicant.
- B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter).
- C. Location of the building site.
- D. Outside dimensions of the proposed building, or addition.

- E. Construction materials to be used for the foundation, floor, and exterior walls.
- F. Manner in which the proposed building will be anchored to the foundation.
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:
 - 1. Prior to any grading or leveling.
 - 2. After grading and leveling.
- H. Date on which construction is proposed to begin. (Ord. No. 338, Sec. 1.)
- I. The City Council hereby find that it is in the best interests of the citizens of West fork to formally adopt the 1979 Arkansas Rules and Regulations for every efficiency standards for new building construction as adopted by the Arkansas Department of Energy.

11.04.03 Fees. A fee according to a schedule established by the City Council will be charged for each building permit issued according to a schedule established by the City Council. Payment of said amount will accompany each permit application submitted with such payment to be returned in event the application is denied.

11.04.04 Issuance. The Mayor will present each permit application to the City Council for its approval or other disposition at its next regular or called meeting, with the exception that no application will be presented for the Council's consideration until it has been reviewed by the City Building Inspector and bears his recommendation as to approval or disapproval. In each case, the permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the city.

Any building permit issued under the provisions of this chapter will remain valid only for a period of One Hundred Eighty (180) days from the date of issue and become void if construction has not begin within that period or unless it is renewed within that period. (Ord. No. 338, Sec. 2.)

11.04.05 Penalty. Any person receiving written notification from the city that he is in violation of the provisions of this chapter shall have a period of thirty (30) days following his receipt of such notice in which to effect compliance or otherwise will upon conviction be subject to a fine of not less than One Hundred Dollars (\$100.00) per day for so long as he remains in violation.

CHAPTER 11.08**PLUMBING CODE****Sections:**

11.08.01	Definition
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Applications, permits
11.08.05	Bond
11.08.06	Street openings
11.08.07	Hazardous conditions

11.08.01 Definition. Plumbing for the purposes of this chapter is hereby defined as the definitions of Act 200 of 1951 (Ark. Stats. 71-1205, et seq) and the Arkansas State Plumbing Code.

11.08.02 State code. The provisions and regulations of the Standard Plumbing Code 2003, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this chapter by reference, three (3) certified copies of which shall be on file in the office of the Recorder/Treasurer and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city wherever water and/or sewage service originating from the municipal water and/or sewer system is furnished. (Ord. No. 362, Sec. 1.)

11.08.03 Inspection and supervision

- A. The Mayor shall designate the official responsible for enforcing and administering this code subject to confirmation by a majority of the City Council.
- B. It shall be the duty of the Plumbing Inspector to enforce all provisions of this chapter, and such Inspector or Inspectors are hereby granted the authority to enter all buildings within or without the corporate limits of the city when such buildings are connected, or to be connected to the municipal water and/or sewage system.
- C. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- D. It shall be his duty to inspect and test all plumbing work for compliance with this chapter and its adopted Plumbing Code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

11.08.04 Applications, permits

A. Before beginning any work in the city, the person installing or altering same, shall apply to the Plumbing Inspector or his designated person and obtain a permit to do such work. Only those persons legally licensed to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single-family residence, providing the homeowner does the work himself and that such work shall meet the code requirements.

B. All applications for permits shall be made on suitable forms provided. Fees in accordance with the following schedule shall accompany the application.

First plumbing fixture or meter or waste discharging device.	\$5.00 each
Next five (5) plumbing fixtures or water or waste discharging device.	\$4.00 each.
All additional plumbing fixture or water or waste discharging devices.	\$3.00 each.
New or reconstructed sewer connection.	\$10.00
Water service or connection.	\$10.00
Gas service	\$10.00

An additional inspection shall incur an additional fee of Twenty Dollars (\$20.00) for each additional trip on the part of the Plumbing Inspector caused by the negligence of the plumber or home owner not being ready for inspection or a return for inspection of a corrected installation. (Ord. No. 337, Sec. 1.)

11.08.05 Bond Every master plumber doing business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of Two Thousand Dollars (\$2,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this chapter. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 337, Sec. 2.)

11.08.06 Street openings

- A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

11.08.07 Hazardous conditions

- A. The Water Department and the plumbing inspector are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.

- B. The Water Department and the plumbing inspector are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards, it shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of Health have been complied with.

CHAPTER 11.12

ELECTRICAL CODE

Sections:

- 11.12.01 Adoption of Electrical Code
- 11.12.02 Appointment of the Code Enforcement Officer
- 11.12.03 Duties
- 11.12.04 Permits
- 11.12.05 Inspection
- 11.12.06 Standards
- 11.12.07 Licensing of electricians
- 11.12.08 Bond required
- 11.12.09 Qualification
- 11.12.10 Failure to comply
- 11.12.11 License to individual

11.12.01 Adoption of Electrical Code There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal, and maintenance of electric wiring and apparatus, including permits and penalties, that certain electric code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and now are filed in the office of the

Recorder/Treasurer of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment of the Code Enforcement Officer The officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the Council.

11.12.03 Duties He shall have the duty and is hereby authorized, empowered, and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed, and guarded as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Permits No installation, alteration, or removal shall be made in/or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus, or heating devices nor alterations made thereto without a written permit therefore being first obtained from the city license issuing clerk by the person, firm, or corporation having direct charge of such installation, alteration or removal.

11.12.05 Inspection Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance, or apparatus it shall be the duty of the person, firm or corporation having direct charge of such to notify the Code Enforcement officer who shall, as early as possible, inspect such wiring, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances, and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motors, heating devices, and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed, however, the necessity, good service and said results often require larger sizes of wire, more branch circuits, and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Code Enforcement Officer supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction, and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.07 Licensing of electricians Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall, before doing so, obtain a license therefore, the fee for which shall be Twenty-Five Dollars (\$25.00) per year which shall be paid into the city treasury before such license shall become effective.

11.12.08 Bond required Every person, firm or corporation doing electrical business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such person, firm, or corporation doing the electrical work to comply strictly with the provisions of this chapter.

11.12.09 Qualification No license shall be issued until the party applying for same has given satisfactory evidence to the Code Enforcement officer of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.10 Failure to comply Any person, firm or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the Code Enforcement Officer within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the Code Enforcement officer shall have authority, after due notice, to cut out electric current in the locality concerned.

11.12.11 License to individual Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way or performing a service to the public generally.

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- 11.16.01 Adoption of fire prevention code
- 11.16.02 Enforcement
- 11.16.03 Definition
- 11.16.04 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted.
- 11.16.05 Modifications
- 11.16.06 Appeals
- 11.16.07 Penalties

11.16.01 Adoption of fire prevention code There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, 2003 Edition and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and now are filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality. (Ord. No. 362, Sec. 1.)

11.16.02 Enforcement The code hereby adopted shall be enforced by the chief of the Fire Department of the municipality.

11.16.03 Definition Wherever the word "municipality" is used in the code hereby adopted or within the body of this ordinance, it shall be held to mean the city of West Fork, Arkansas.

11.16.04 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted The limits referred to in section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in section 53 b of the

code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District.
- B. Within 1500 feet of any dwelling structure in any built up area within the corporate limits of the municipality;

with the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquefied petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 5 of this ordinance.

11.16.05 Modifications The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.06 Appeals Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.07 Penalties Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment-. The imposition of one (1) penalty for any violation 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 when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 11.20

HOUSING CODE

Sections:

- 11.20.01 Adoption of
- 11.20.02 Housing Official
- 11.20.03 Board of Appeals
- 11.20.04 Duties of Housing Official
- 11.20.05 Right of entry

11.20.01 Adoption of There is hereby adopted by the City Council that certain health and housing standards known as the Standard Housing Code with 1977 amendments, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling on all dwellings and premises within the city limits.

11.20.02 Housing official

- A. The office of Housing Official is hereby created.
- B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

11.20.03 Board of Appeals There is hereby created a Board of Housing Appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council. The Board shall act by a majority vote of the members present. Said Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Housing Official in the enforcement of this chapter.

11.20.04 Duties of Housing Official It shall be the duty of the Housing Official to enforce all laws and provisions specified in the herein adopted Standard Housing Code.

11.20.05 Right of entry The Housing Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building structure or premises at any reasonable hour.

CHAPTER 11.24**CONDEMNED STRUCTURES****Sections:**

11.24.01	Unlawful
11.24.02	Condemnation required
11.24.03	Written notice
11.24.04	Description of the property
11.24.05	Posting of notice
11.24.06	Removal
11.24.07	Duties of Building Inspector
11.24.08	Proceeds of sale
11.24.09	Lien
11.24.10	Fine
11.24.11	Judicial condemnation, penalty, previous sections applicable
11.24.12	Demolition of certain structures

11.24.01 Unlawful It shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the city of West Fork, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the city council. (Ord. No. 364, Sec. 1.)

11.24.02 Condemnation required Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 364, Sec. 2.)

11.24.03 Written notice

- A. Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s), of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building and/or structure to be a nuisance.
- B. Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon

said premises and the City Manger or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), morgagee(s), and lienholder(s). Thereupon, service of publication as now provided by law against unknown and/or non-resident defendandt(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business. (Ord. No. 364, Sec. 3.)

11.24.04 Description of the property The resolution of the City Council condemning any house and/or structure which constitutes a nuisance which will include in said resolution an adequate description of the house, building and/or structure; the name(s), if known, of the owner(s), and mortgagee(s) and/or lienholder(s) thereof; and shall set forth the reason or reasons, said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 364, Sec. 4.)

11.24.05 Posting of notice After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s), mortgagee(s) and/or lienholder(s) thereof be known or if their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s), mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation. (Ord. No. 364, Sec. 5.)

11.24.06 Removal If the house, building and/or structure constituting a nuisance has not been torn down or removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Official or by such other person or persons as shall be designated by the City Council to tear down and/or remove said house, building and/or structure. (Ord. No. 364, Sec. 6.)

11.24.07 Duties of Building Inspector The Building Inspector or any other person or persons designated by the City Council to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one (1) publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 364, Sec. 7.)

11.24.08 Proceeds of sale All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasury. If any such house building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 364, Sec. 8.)

11.24.09 Lien If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by A.C.A. 14-54-904. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Circuit Court; or,
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks; the determination of said governing body being subject to appeal by the property owner in the Circuit Court; and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be by the governing body of the municipality certified to the Tax Collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 364, Sec. 9.)

11.24.10 Fine A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Sec. 11.24.05 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 364, Sec. 10.)

11.24.11 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of One Hundred Dollars (\$100.00) for each separate and distinct offense. In the event the owner(s) of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or other person or persons referred to in Section 11.24.06 of this chapter will take such action as provided in Section 11.24.07 hereof and Section 11.24.08 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentence applies independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 364, Sec. 10.)

11.24.12 Demolition of certain structures

- A. The structures located at 280 West Main Street and 260 McKnight Avenue, West Fork, Arkansas, more particularly described in the above legal description, are dilapidated, unsightly, and unsafe; and it is in the best interests of the city of West Fork to proceed with the removal of these dilapidated, unsightly, and unsafe structures.
- B. The owner is hereby ordered to raze (demolish) and remove the aforesaid dilapidated, unsightly and unsafe structures located on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with all state laws and local regulations pertaining to the demolition or removal of buildings.
- C. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the residence and old abandoned beauty shop at 280 West Main Street and 260 McKnight Avenue in West Fork, Arkansas, to be razed (demolished) and removed; and, the city of West Fork shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structures; said costs to be determined at a hearing before the City Council. (Ord. No. 2008-407, Sec. 1)

CHAPTER 11.28

BUILDING AND STANDARD CODES

Sections:

11.28.01	Adoption of Codes
11.28.02	Establishment of office of Building Official
11.28.03	Qualifications of Building Official
11.28.04	Duties of the Building Official
11.28.05	Liability
11.28.06	Right of entry
11.28.07	Definition
11.28.08	Fees
11.28.09	Call back fees
11.28.10	Removal; clean-up
11.28.11	Denial of permit - grounds
11.28.12	Performance bond - completion
11.28.13	Relocated dwelling - minimum space
11.28.14	Planning Commission hearing - when
11.28.15	Penalty

11.28.01 Adoption of Codes The following codes are hereby adopted by reference as though they were copied herein fully:

2009	International Building Code
2009	International Existing Building Code
2009	International Fire Prevention Code
2009	International Gas Code
2009	International Mechanical Code
2009	International Plumbing Code
2009	International Residential Code

Any matters in said codes which are contrary to existing ordinances of the city of West Fork, Washington County, Arkansas, shall prevail and that Ord. No. 362 entitle, "An Ordinance to adopt various standard codes relating to inspection activities of the city of West Fork, Washington County, Arkansas, and enforcement of building provisions as provided in said code," are hereby repealed and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. No. 412, Secs. 1-2.)

11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby created
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.

11.28.03 Qualifications of Building Official. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alterations, removal and demolition.

11.28.04 Duties of Building Official.

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

- D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.
- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.28.05 Liability Any officer or employee or member of the Board of Adjustments and Appeals charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city.

11.28.06 Right of entry The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

11.28.07 Definition Whenever the term "Corporation Counsel" is used in the building code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Fees

A.	<u>Estimated Cost of Work</u>	<u>Cost of Permit</u>
	First \$2,000	\$40.00
	Each additional \$1,000	\$ 1.00/M

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

Building permit expires six (6) months from date of issuance if construction has not started.

- B. Building permit schedule of fees for moving of building or structure for the locating or relocating within the city limits, the fee shall be Sixty Dollars (\$60.00).

For the locating within the city of West Fork from outside the city limits, the fee shall be One Hundred Dollars (\$100.00) plus Fifty Cents (\$.50) for each mile or fraction thereof for the Building Inspector's travel expenses.

C. Building permit schedule of fees for demolition of buildings or structures.

For the demolition of any building or structure,
the fee should be One Hundred Dollars (\$100.00).

D. Gas Inspection fee shall be Thirty Dollars (\$30.00).
(Ord. No. 413, Sec. 1.)

11.28.09 Call back fees If any building or structure fails for any reason to pass the Building Official's inspection and the Building Official has to re-inspect said building or structure, there will be an additional charge of Thirty Dollars (\$30.00) for each inspection and any and all fees shall be paid by the person to whom the permit is issued. (Ord. No. 413, Sec. 1.)

11.28.10 Removal; clean-up When a building is moved from a property located in the city to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber, and other debris remaining after the removal and all basements, cellars and other excavations shall be filled. Such work shall be performed by the person or firm having such building or structure moved.

11.28.11 Denial of permit - grounds If the unlawful, dangerous or defective conditions of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made so as to place said structure in a tenantable, sale, good standard and healthy condition, a moving permit and as such a relocation permit shall be denied by the city of West Fork by its proper representative or by the City Council.

11.28.12 Performance bond - completion No moving permit or a relocation permit, as required by this ordinance, shall be issued by or on behalf of the city of West Fork unless the applicant shall file with the city of West Fork a one (1) year bond in the penal sum of Ten Thousand Dollars (\$10,000.00) with the city as obligee conditioned to the effect that said relocation shall be faithfully performed in accordance with the laws of the state of Arkansas, the ordinances, rules and regulations of the city of West Fork and within eleven (11) months. Said relocated structure must be placed and finished in a useable, livable and tenantable condition and connected up with water and sewer if available. Said bond must have adequate surety and the same to be approved by either the Treasurer or the Building Inspector of the city. In place of a surety bond, an applicant may post a bond which is secured by cash deposit with the Treasurer in the amount named as above and conditioned for the same purposes. (Ord. No. 413, Sec. 3.)

11.28.13 Relocated dwelling - minimum space Any dwelling to be relocated within the city limits of West Fork from without or from within the city limits must have at the time of completion one thousand two hundred (1,200) feet or more of heated living space therein. (Ord. No. 335, Sec. 2.)

11.28.14 Planning Commission hearing - when Where a permit under this ordinance is denied by a lawful representative of the city, an applicant may have his application heard by the Planning Commission of the city of West Fork at a regular or special meeting so that any interested person or persons may appear at said meeting and be heard. Said Planning Commission, after said full and complete hearing and investigation, shall within thirty (30) days make its recommendation to the City Council for or against the issuance of a moving permit or as the case may be, a relocation permit.

11.28.15 Penalty Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). Each and every day that such offense is permitted to exist shall constitute a separate offense. (Ord. No. 413, Sec. 4.)

TITLE 12

PARKS AND RECREATION

Chapter:

- 12.04 Parks Commission
- 12.08 Park Regulations

CHAPTER 12.04

PARKS COMMISSION

Sections:

- 12.04.01 Established
- 12.04.02 Membership
- 12.04.03 Powers
- 12.04.04 Reports
- 12.04.05 Use of Revenues
- 12.04.06 Appropriation of funds
- 12.04.07 Exclusive jurisdiction

12.04.01 Established There is established a Parks and Recreation Commission to operate, manage and control all recreational facilities in the city.

12.04.02 Membership The Commission shall consist of seven (7) qualified electors of the city, to be appointed by the Mayor and confirmed by a majority of the duly elected and qualified members of the City Council. Each Commissioner shall be appointed for a term of five (5) years; a vacancy on the Commission shall be filled for the unexpired term in the same manner hereinabove prescribed. Each Commissioner shall file the oath required of public officials by the laws of this state; any such Commissioner may be removed upon a two-thirds (2/3) vote of the members of the City Council. (Ord. No. 418, Sec. 1.)

12.04.03 Powers The Commission shall have full and complete authority to build, manage, operate, maintain and repair the grounds and improvements under its jurisdiction; shall have complete charge of its buildings and grounds, including the right to control the use thereof and to permit or refuse to permit the use of such facilities by an individual or group; and shall have the right to employ or remove any of its employees, and to fix and regulate the salary of each such employee.

The Commission shall have the exclusive authority to purchase supplies, apparatus, etc. necessary or desirable, including all construction, repairs, alterations and additions to the property within the jurisdiction of the Commission.

The Commission shall also have the exclusive authority to enter into contracts for the use of park facilities; shall adopt its own rules and regulations for the proper operation and management of all property within its respective jurisdiction; and shall have full authority to repeal or amend its rules and regulations as it sees fit.

12.04.04 Reports The Commission shall submit quarterly reports, beginning three (3) months after they take their oath of office and each three (3) months thereafter, reporting in full on the operations, including an accounting of receipts and disbursements and furnishing such other and further reports, data and information as may be required by the Mayor and City Council. The quarterly report, with respect to receipts and disbursements shall be certified by the Commissioners as correct. They shall further submit an annual audit of the operations of the Parks and Recreational programs to the Mayor and City Council.

12.04.05 Use of revenues The Commission shall have the exclusive authority to utilize all revenues derived from their respective operations; separate accounts shall be maintained and all monies shall be segregated and used exclusively for the operation of Parks and Recreation programs. The Commissioners shall receive no salary, but shall be reimbursed for actual expenses incurred in the performance of their duties.

12.04.06 Appropriation of funds The City Council may, at any time, appropriate funds from the General Revenue Fund or other available funds to provide the necessary monies for the operation of the Commission's Parks and Recreation program.

12.04.07 Exclusive jurisdiction The Commission shall have sole and exclusive jurisdiction, power and control over the recreational facilities and programs assigned to it.

CHAPTER 12.08

PARK REGULATIONS

Sections:

12.08.01	Definitions
12.08.02	Penalty
12.08.03	Hours of operation
12.08.04	Removal of natural resources
12.08.05	Erection of structures
12.08.06	Trees, shrubbery, lawns
12.08.07	Hunting, molesting wildlife
12.08.08	Pollution of waters
12.08.09	Refuse and trash
12.08.10	speed of vehicles
12.08.11	Parking generally
12.08.12	Parking, leaving, abandoning vehicle in park after closing hours
12.08.13	Vehicle traffic
12.08.14	Picnic and recreational facilities
12.08.15	Camping
12.08.16	Games and recreation
12.08.17	Intoxicating beverages
12.08.18	Fireworks and explosives
12.08.19	Fires
12.08.20	Vending and peddling
12.08.21	Advertising and signs
	12.08.22 Skateboards, scooters, conventional or in-line skates, and bicycles
	12.08.23 Smoking

12.08.01 Definitions The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the Park Director or his duly authorized representative.

Park means a park, reservation, playground, beach, reservations center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

Vehicle means any wheeled conveyance, whether motor powered or animal-drawn, and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, bicycles and vehicles in the service of the city parks. (Ord. No. 388, Sec. 1.)

12.08.02 Penalty Unless otherwise provided for in this article, any person violating the provisions of this article shall be deemed guilty of a code violation and shall be subject to the penalties prescribed in 1.32.01. (Ord. No. 388, Sec. 2.)

12.08.03 Hours of operation Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year from 6:00 a.m. until 10:00 p.m, and no one shall be in the park after this hour; however, this does not apply to city-sponsored sporting events on athletic fields in the park. Any section or part of any park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time. (Ord. No. 388, Sec. 3.)

12.08.04 Removal of natural resources It shall be unlawful to dig or remove any beach sand, whether submerged or not, or any soil, rock stones, trees, shrubs or plants, fallen timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, except on special written permit obtained from the city. (Ord. No. 388, Sec. 4.)

12.08.05 Erection of structures It shall be unlawful to construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit obtained from the city. (Ord. No. 388, Sec. 5.)

12.08.06 Trees, shrubbery, lawns It shall be unlawful to damage, cut, climb carve, injure, transplant or remove any tree, flower or plant. No person shall attach any rope, wire or other contrivance to any tree or plant or in any other way injure or impair the natural beauty or usefulness of any park area. (Ord. No. 388, Sec. 6.)

12.08.07 Hunting, molesting wildlife

- A. It shall be unlawful to hunt, molest, harm, frighten poison, kill, trap or remove any animal, reptile or bird, or to remove the eggs, nest, or young of any wild animal, fish, reptile or bird.
- B. It shall be unlawful to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife or dangerous to human safety.
- C. The provisions of this section shall not apply to parks and recreations employees, or anyone acting at their direction, so long as any actions taken by such employees, or anyone acting under their direction, is in furtherance of management of animals and wildlife within the park, and has been authorized by the Parks and Recreation Director or the Mayor. (Ord. No. 388, Sec. 7.)

12.08.08 Pollution of waters It shall be unlawful to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer or drain flowing into such waters, any substance. (Ord. No. 388, Sec. 8.)

12.08.09 Refuse and trash It shall be unlawful to deposit in a park any refuse or other trash. No refuse or other trash shall be left anywhere on the grounds thereof, but shall be placed in proper receptacles where provided. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Ord. No. 388, Sec. 9.)

12.08.10 Speed of vehicles It shall be unlawful to ride or drive a vehicle at a rate of speed exceeding 20 miles per hour, except upon such roads as the city may designate, by posted signs, for speedier travel. (Ord. No. 388, Sec. 10.)

12.08.11 Parking generally It shall be unlawful to park a vehicle in other than an established or designated parking area. (Ord. No. 388, Sec. 11.)

12.08.12 Parking, leaving, abandoning vehicle in park after closing hours It shall be unlawful to park, leave or abandon a vehicle within a park during the closed hours of the park, that is, between the hours of 10:00 p.m. and 6:00 a.m., Monday through Sunday. (Ord. No. 388, Sec. 12.)

12.08.13 Vehicle traffic It shall be unlawful to ride, drive, operate or push a vehicle on other than paved vehicular roads or areas designated for that purpose. (Ord. No. 388, Sec. 13.)

12.08.14 Picnic and recreational facilities It shall be unlawful to leave a picnic area before all fires are completely extinguished and before all trash in the nature of boxes, cans, bottles, garbage and other refuse are placed in the disposal receptacles where provided. Where no such trash receptacles are available, refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. (Ord. No. 388, Sec. 14.)

12.08.15 Camping It shall be unlawful to set up or use tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like. (Ord. No. 388, Sec. 15.)

12.08.16 Games and recreation It shall be unlawful to gamble or participate in or abet any game of chance. No person shall take part in or abet the playing of other forms of recreation except in designated areas for or conducive to the particular form of recreation. (Ord. No. 388, Sec. 16.)

12.08.17 Intoxicating beverages It shall be unlawful to bring or consume alcoholic beverages within a city park. (Ord. No. 388, Sec. 17.)

12.08.18 Fireworks and explosives It shall be unlawful to bring in, possess, explode or cause to be exploded, discharged or burned any firecrackers, torpedoes, skyrockets, Roman candles or other fireworks, explosive or flammable materials without having first obtained written consent from the Park Director. (Ord. No. 388, Sec. 18.)

12.08.19 Fires It shall be unlawful to build or attempt to build a fire except in the fireplaces or facilities so designed for such use, or leave any fire unattended, and no person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park area. (Ord. No. 388, Sec. 19.)

12.08.20 Vending and peddling It shall be unlawful to expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Parks Commission. (Ord. No. 388, Sec. 20.)

12.08.21 Advertising and signs It shall be unlawful to announce, advertise, or call the public attention in any way to any article or service for sale or hire, or paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except in designated areas and when approved by the Parks Commission. (Ord. No. 388, Sec. 21.)

12.08.22 Skateboards, scooters, conventional or in-line skates, and bicycles No person shall operate any skateboard, scooter, conventional or in-line roller skates, or bicycle in area of a public park where one or more signs are posted prohibiting such activity, or in a manner which causes injury to any person or damage to public or private property. (Ord. No. 388, Sec. 22.)

12.08.23 Smoking It shall be unlawful to smoke within a city park. Any person violating the provisions of 12.08.23 shall be deemed guilty of a code violation, and shall be subject to a Twenty-Five Dollars (\$25.00) fine. Smoking is permitted in the parking lots of all city parks. (Ord. No. 415, Sec. 1.)

TITLE 13

PLANNING

Chapter:

- 13.04 Planning Commission
- 13.08 Amendment to Zoning

CHAPTER 13.04

PLANNING COMMISSION

Sections:

- 13.04.01 Authority
- 13.04.02 Purpose
- 13.04.03 Members
- 13.04.04 Officers
- 13.04.05 Meetings
- 13.04.06 Reports

13.04.01 Authority As authorized by state enabling legislation, the West Fork Planning Commission is hereby established; and all powers necessary to carry out municipal planning, as permitted by such statutes, are hereby conferred thereon. Provided, however, that the Commission shall not expend or encumber city funds without prior approval of the City Council. (Ord. No. 357, Sec. 1.)

13.04.02 Purpose The general purpose of the Commission shall be to:

- A. prepare, or have prepared, plans for the city;
- B. receive and make recommendations on public and private proposals for development;
- C. Administer planning, zoning and subdivision regulations;
- D. prepare and transmit to the City Council recommended ordinances implementing plans; and

- E. advise and counsel city government and other public bodies on planning and related matters. (Ord. No. 357, Sec. 2.)

13.04.03 Members The Planning Commission shall consist of seven (7) members appointed by the Mayor and approved by the City Council. All members shall be qualified electors residing in the city, and shall not hold any other municipal officer or appointment, except membership on the Board of Zoning Adjustment. Members shall, in the initial appointment, serve terms as follows: one (1) member for a term of one (1) year; two (2) members for a term of two (2) years; and two (2) members for a term of three (3) years; and two (2) members for a term of four (4) years. Thereafter, all terms shall be for four (4) years, and shall expire on June 1st of such year. Appointments to fill vacancies shall be for unexpired terms only. Members may be reappointed for one (1) term, consecutive to the first term, with future appointment possible only after a minimum one (1) year break in service. (Ord. No. 357, Sec. 3.)

13.04.04 Officers The Commission shall annually designate one of its members as chairman, who shall have full voting status, and select a vice-chairman, and such other officers as it may require. It shall adopt rules and regulations, not inconsistent with law, for the discharge of its duties and the transaction of business. (Ord. No. 357, Sec. 4.)

13.04.05 Meetings The Commission shall establish regular meeting dates, providing for at least one (1) regular meeting to be held in each quarter of each calendar year. Special meetings may be called, subject to notification by law, by the chairman or by a majority of the Membership. The Commission shall keep a public record of all business, resolutions, findings, recommendations, and determinations. Four (4) members shall constitute a quorum, and an affirmative vote of a majority of the Commission's authorized membership shall be required for passage of any motion. (Ord. No. 357, Sec. 5.)

13.04.06 Reports The Commission shall make periodic reports to the Mayor and City Council covering their investigations, transactions, and recommendations, and such other reports relative thereto, as it may deem proper or as requested by the Mayor or City Council. (Ord. No. 357, Sec. 6.)

CHAPTER 13.08
AMENDMENT TO ZONING

Sections:

13.08.01 Conditional use criteria

13.08.01 Conditional use criteria The Planning Commission shall hear and decide each request for conditional use as listed in the Schedule of Uses. The Planning Commission shall hold a public hearing within ninety (90) days of the date of the application and may authorize the Conditional Use only after all of the following criteria (A-J) have been answered with an affirmative finding.

- A. A written application has been filed with the city and the fee has been paid.
- B. The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If personal contact a signed affidavit by the owner must be submitted.
- C. Are public services and utilities available and adequate?
- D. Is fire protection adequate:
 - E. Is the proposed use compatible with the surrounding area and the planned use for the area?
- F. Is screening and egress safe and convenient?
- G. Are Off-Street Parking and loading areas adequate?
- H. Will refuse and service areas not cause adverse affects on adjacent property?
 - I. Will Off-Street Parking and loading areas not cause adverse affects on adjacent property?
- J. Will signs be in compliance with the city's sign ordinance?

The Planning Commission shall have sixty (60) days from the date the public hearing is held, to make its decision. If the Planning Commission does not make its decision within the sixty (60) day period the application shall be approved and the applicant may proceed to the City Council for action on the application. (Ord. No. 328, Sec. 1.)

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance
- 14.08 Flood Damage Prevention
- 14.12 Annexing, Vacating and Re-Zoning Property

CHAPTER 14.04

ZONING ORDINANCE

Sections:

- 14.04.01 Zoning map
- 14.04.02 Districts
- 14.04.03 Zoning districts - character, permitted uses and area requirements
- 14.04.04 General regulations
- 14.04.05 Board of adjustment
- 14.04.06 Enforcement
- 14.04.07 Definitions
- 14.04.08 Filing fee for zoning change
- 14.04.09 Conditional use criteria
- 14.04.10 Schedules of uses adopted by reference

14.04.01 Zoning map

- A. The city is hereby divided into districts as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: "This to certify that this is the official zoning map referred to in section one of Ordinance Numbered 303 of the city of West Fork, Washington County, Arkansas", together with the date of the adoption of this ordinance.
- C. If, in accordance with the provisions of this ordinance, changes are made in the district boundaries, such changes shall be entered on the zoning map with the date and ordinance number affecting such change.
- D. The official zoning map shall be located in the office of the City Clerk and shall

be prima facie evidence as to the current zoning status of land, buildings and other structures in the City. The City Clerk shall cause to have corrected the zoning district boundaries on the official zoning map as need demands. (Ord. No. 303, Sec. 1)

14.04.02 Districts

(1) Zoning Districts: The following districts are hereby established: R-Residential; R-1 Two-Family Residential; R-2-Two, Three and Four Family Residential; R-3-Multi-Family Residential; R-0 - Residential Office; MH-Mobile/Manufactured Home Residential C-General Commercial; I-Industrial; I-1-Light Industrial; and A-Agricultural (Ord. No. 303, Sec. 2.)

(2) Application of Zoning District Regulations

- A. The area requirements pertaining to each zoning district shall be applied uniformly within the zoning district except as may be varied by the Planning Commission.
- B. The uses permitted or prohibited in each zoning district established the character of the zoning district and shall include, but shall not be limited to, those uses enumerated as being permitted or prohibited within a respective zoning district.
- C. The use proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission shall determine whether said use is compatible (i.e. in character with other uses in the district); and if it decides in favor or said use, it shall authorize said use to be established. The Planning Commission shall decide each application on its merits, taking into consideration such factors as existing uses, access, location, major streets, plans, etc. The Planning Commission may impose conditions under which a use may be permitted in order to insure compatibility. The finding of the use to be compatible in one location does not imply that the same use is compatible at another location, even within the same zoning district.
- D. All front, side and rear yard set backs established by this ordinance shall be measured from the planned right-of-way as shown in the Major Street Plan. (Ord. No. 303, Sec. 2.)

14.04.03 Zoning districts - Character, permitted uses and area requirement

(1) **R-Residential** - Intended to provide for single-family residential development, public buildings and other public uses.

- A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) and (10).
- B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	8,000	8,000	25'	25'	7'	25'	80'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 1.)

(2) **R-1 Two-Family Residential.** Intended to provide for two-family residential, public buildings and other public uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) &)10)

B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	8,000	8,000	25'	25'	7'	25'	80'
Two-family	12,000	6,000	25'	25'	7'	25'	100'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Off-Street parking will be allowed in required yard area subject to review and approval of design by the Planning Commission of any parking in the front yard.

Note 3. uses normally conducted in a single-family house shall use the single-family area requirements.

Note 4. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303 Sec. 2.)

(3) **R-2 Two, Three and Four-Family Residential**. Intended to provide two, three and four-family residential, public buildings and other public uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirement: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	6,000	6,000	25'	25'	7'	25'	60'
Two-family	12,000	6,000	25'*	25'	7'	25'	100'
3-4 family	16,000	4,000	50'*	75'	15'	25'	200'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

* See Note 2.

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Off-Street parking will be allowed in required yard area subject to review and approval of design by the Planning Commission of any parking in the front yard.

Note 3. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 4. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 3.)

(4) **R-3 Multi-Family Residential.** Intended to provide for multi-family high density residential, public buildings and other public uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 2.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	6,000	6,000	25'	25'	7'	25'	60'
Two-family	12,000	6,000	25'*	25'	7'	25'	100'
3-4 family	16,000	4,000	50'*	75'	15'	25'	200'
Multi-family	43,560	3,630	50'*	75'	15'	25'	200'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

* See Note 3.

Note 1. For structures over twenty-four feet (24') in height an additional one foot (1') shall be added to each setback for each foot the structure exceeds twenty-four feet (24').

Note 2. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 3. Off-Street parking will be allowed in required yard area subject to review and approval of design by the Planning Commission of any parking in the front yard.

Note 4. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 5. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 4.)

(5) **R-O Residential Office.** Intended to provide for the conversion of existing structures to office use or construction of offices where the construction of residential use is no longer practical, or to establish transition between residential and non-residential uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family Residential/	6,000	6,000	25'	25'	7'	25'	60'
office mix	8,000	8,000	25'	25'	7'	25'	80'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Office	12,000	----	30'	25'	20'	30'	100'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations (12) Parking Requirements. (Ord. No. 303, Sec. 5.)

(6) **MH - Mobile/Manufactured Home Residential.** Intended to provide for the placement of individual mobile/manufactured home, mobile/manufactured home parks, mobile/manufactured home subdivisions and other uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9(& (10).

B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	6,000	6,000	25'	25'	7'	25'	60'
Mobile/manuf home	130,680	130,680	25'	25'	7'	25'	100'
Mobile/manuf home park	130,680	4,000	25'	25'	7'	25'	40'
Mobile/manuf subdivision	130,680	6,000	25'	25'	7'	25'	50'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Office	12,000	----	30'	25'	20'	30'	100'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 6.)

(7) **C - General Commercial.** Intended to provide for business and services building area, off-street parking, drives and lot areas.

A. Permitted and Conditional Uses. See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Front Yard	Side Yard	Rear Yard	
All uses		50'	10'	25'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. A single-family house to be built in a C-District shall use the single-family requirements of the R-2 District, except the front, side, side on street and rear yard requirements of the C-District shall apply.

Note 3. Residential uses may be mixed with commercial uses provided all residential units have at least two entrances/exits one of which is separate from the commercial uses and 1000 square feet of heated floor space not including the garage.

Note 4. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 5. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) parking Requirements. (Ord. No. 303, Sec. 7.)

D. Height Regulations: Any structure that exceeds twenty-four (24) feet in height shall be set back from all property lines on additional one (1) foot of height over twenty-four (24) feet.

E. Lot Coverage: The maximum lot coverage for all structures shall not exceed fifty (50) percent of the lot area. (Ord. No. 303, Sec. 7.)

(8) **I - Industrial** - Intended to provide for the full range of industrial activities.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4:(9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Front Yard	Side Yard	Side Yard On Street	Rear Yard
All uses See Note 2.	50'	25'*	50'	25'*

Note 1. Lot sizes may have to be increased based upon State Health Department requirements for septic tank installation.

Note 2. Where a side or rear property line abuts a railroad track or spur, and it is necessary to build closer than the setback line established by the ordinance, the Board of Adjustment may waive the setback requirements after review and recommendation from the Planning Commission.

Note 3. The maximum lot coverage for all structures shall not exceed fifty (50) percent of the lot area.

Note 4. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 5. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. Ample space must be provided for trucks to load and maneuver off the public right-of-way. (Ord. No. 303, Sec. 8.)

(9) **I-1 Light Industrial**. - Intended to provide locations within the City for a wide range of industrial uses which are free of objectionable influences, such as light glare, noise, dust and odor, or which can readily control such influences.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Front Yard	Side Yard	Side Yard On Street	Rear Yard
All uses	50'	25'*	50'	25'*

*See Note 2.

Note 1. Lot sizes may have to be increased based upon State Department requirements for septic tank installation.

Note 2. Where a side or rear property line abuts a railroad track or spur, and it is necessary to build closer than the setback line established by the ordinance, the Board of Adjustment may waive the setback requirements after review and recommendation from the Planning Commission.

Note 3. The maximum lot coverage for all structures shall not exceed fifty percent (50%) of the lot area.

Note 4. Any structure that exceeds twenty-four feet (24') in height shall be set back from all property lines an additional one foot (1') of height over twenty-four feet (24').

Note 5. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 6. uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking - See Section 4: General Regulations, (12) Parking Requirements. Ample space must be provided for trucks to load and maneuver off the public right-of-way. (Ord. No. 303, Sec. 9.)

(10) **A-Agricultural**. Intended to provide for a full range of agricultural activities, to preserve existing agricultural activities and to protect the rural area from urban type uses and densities without benefit of a full range of public facilities until such time as the public facilities are available.

S-15

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements:

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Agri uses	5	----	----	----	----	----	----
Any struct. related to a permitted use other than single-family and church	5	----	50'	50'	30'	50'	----
Single family	5	5	35'	25'	7'	25'	200'
Church	3	----	35'	35'	25'	35'	200'
Other uses	3	----	35'	35'	25'	35'	200'

Note 1. Lot size may have to be increased based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 10.)

(11) Scenic Highway/State Highway Overlay District

A. Intent and Purpose

1. To support the designation of U.s. Highway 71 and Interstate 540 (Interstate 49) as scenic byways.
2. To protect and enhance the designated scenic byways by providing for non-residential developments which will preserve and enhance the natural, rural and open character of the byways.

3. To preserve and enhance the natural, rural and open character of State Highway 170 which connects the two Scenic Byways through the city of West For.
4. To address aesthetic and environmental concerns which include but are not limited to soil erosion, vegetation preservation and provision, visual enhancement and drainage.
5. To preserve and enhance the economic value and viability of property within the designated boundaries of the Overlay District.

B. Overlay District Boundaries

The Overlay District Boundaries includes all and in the city of West Fork within 600 feet of the right-of-way of any designated Scenic byway and State Highway. This includes U.S. Highway 71 (a.k.a. North Centennial Ave. and South Centennial Ave.) And the now under construction Interstate 540. The Overlay Districts also include State Highway 170 (a.k.a. Main Street from Centennial U.S. Highway 71 to Maple Ave., McKnight Ave. from white St. to Phillips and Philips St. from McKnight St. to Interstate 540 (I-49). The boundaries of the Scenic Highway Overlay District are shown on the official zoning map of the city of West Fork.

C. Application of District Regulations and Standards

1. The regulations and standards shall apply to all non-residential development in any zoning district except development exclusively for agricultural purposes. Development includes but in not limited to new development, redevelopment and expansion of existing development within the boundaries of the overlay district.
2. The regulations and standards shall be in addition to and overlay all other ordinance regulations and standards. If a conflict exists these regulations and standards shall apply.

D. Development Regulations and Standards

1. Setbacks - all principal and accessory non-residential development shall be setback 50 feet from the right-of-way line. This distance may be reduced to 25 feet if the parking is removed and placed in the side or rear yard and the front setback is landscaped.
2. Screening - all mechanical and utility equipment, trash enclosures and

parking lots shall be screened in the following manner:

-153.1-

S-15

- a. All mechanical and utility equipment on the side of the building and/or on the ground shall be screened by fence and/or vegetation if it is visible from the highway right-of-way. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
 - b. Trash enclosures shall be screened on three sides with the access not visible from the highway.
3. Exterior appearance - All structures shall be architecturally designed to have front facades facing the highway. An elevation drawing shall be submitted with the building permit application showing the front facade.
 4. Building Materials - Thirty (30) percent of the front facade visible from the highway right-of-way shall be constructed of wood, glass, masonry or other natural looking material. If concrete or cinder block is being used only a decorative type block is acceptable. Standard or plain face concrete or cinder block may be used on the remaining portions of the building. The remaining portion of the front facade may also be metal or other material if the metal or other materials are similar in appearance to wood, masonry or other natural looking material.
 5. Utilities - Above ground utilities may be located on the rear property line. If it is not feasible to place the utilities at the rear property line than utilities shall be placed underground.
 6. Outdoor Storage - All outdoor storage of materials and equipment shall be screened with earth berms and landscaping or natural vegetation or wooden, masonry or natural looking fencing.
- E. Exemptions - Any development or building permit that has been approved prior to the approval date of this ordinance shall be exempt so long as their approval period is active. (Ord. No. 314, Sec. 11.)

14.04.04 General regulations

- A. **Annexed Area** All territory which may hereafter be included within the zoning jurisdiction of West Fork shall be annexed to the city of West Fork as a residential area and shall be subject to the requirements of the R-Residential district unless the annexing ordinance accepts such annexed area in a district other than R-Residential, and such annexed area shall continue in such district until such time as this ordinance and the zoning map shall have been amended to zone such territory otherwise.
- B. **Occupation Permitted in Residential Structures Utilized for Residential Purposes in a Residential District.** An occupation may be carried on in residential structure in a

Residential District only when it: -153.2-

1. Does not require the use of more than two rooms otherwise normally considered as living space.
 2. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with the residential uses.
 3. Does not have a sign in excess of four square feet in area to denote the business, occupation, or profession, and such sign must be attached to the structure.
 4. Does not involve the display of goods and services.
- C. **Lot Area** Only on a lot of record existing prior to April 23, 1974 may a residential structure be erected in a Residential District after review and approval by the Planning Commission even though the lot be of less area or width than required by these regulations, provided all other requirements are met.
- D. **Non-Conforming**
1. Non-conforming use of land and structures may be continued and improved but not expanded so long as it remains otherwise lawful.
 2. Once a non-conforming use is changed to a permitted use in the district, the non-conforming use shall not be reestablished.
 3. A non-conforming use can be changed to another nonconforming-use, only if the use to which it is being changed has been determined by the Planning Commission to be a more appropriate use than the existing non-conforming use.
 4. Any use of a structure not permitted, or any structure not intended for uses permitted may not be rebuilt or reestablished if damaged in excess of two-thirds of its fair sale value immediately prior to damage.
- E. **Placement of Mobile/Manufactured Homes -- Individually, in Mobile/Manufactured Home Parks, or in Mobile/Manufactured Home Subdivisions** All mobile/manufactured homes to be placed in the City of West Fork shall conform to the following requirements:
1. Placed on a permanent foundation, incorporating anchorage tie downs at a maximum interval of 20 feet along each side which can sustain a minimum tensile stress of 2800 pounds.
 2. A water supply system including fire hydrants approved by the City of West Fork and the Arkansas State Health Department.
 3. A sewer system approved by the City of West Fork and the Arkansas State

4. A fuel supply, fuel storage and electrical system which meets adopted City Code requirements.
5. Mobile/Manufactured Home Subdivisions shall be platted according to the requirements of the adopted Subdivision Regulations.
6. Streets in Mobile/Manufactured Home Parks intended for dedication to the public shall be constructed to City Street standards.

The Planning Commission may allow the temporary placement of a mobile/manufactured home in any zoning district during the construction period of a building or use which is a permitted use within the district. The Planning Commission shall establish a time period for temporary placement and items 2, 3, and 4 above shall apply to any temporary mobile/manufactured home placement.

F. Planned Unit Development A Planned Unit Development may be located in any district subject to the review and approval of the Planning Commission.

1. Planned Unit Developments are authorized to be established in any District, subject to the requirements of this sub-section and all other pertinent provisions of this ordinance, provided that each such development shall consist of a minimum of one (1) acre.
2. The purpose of planned developments is to encourage innovation in housing types and design, to encourage innovation design approaches in other developments and in all development to conserve and efficiently use open space in conjunction with development.
3. The permitted uses in a planned development shall be the permitted uses allowed in the zoning district or districts in which the proposed development lies, except as follows:
 - a. Commercial Use Provision -- in a residential Planned Unit Development of 50 units or more there may be permitted as an accessory use, commercial use subject to the following conditions:
 - (1) The commercial parcel shall not exceed 50 square feet of gross floor area for each dwelling unit in the Planned Unit Development and shall not exceed a total area of 10,00 square feet of gross floor area;
 - (2) The commercial development shall be for the use of the occupants of the Planned Unit Development and is not intended to attract non-occupant patrons;
 - (3) No commercial use shall be closer than one hundred (100) feet to

any property outside the Planned Unit Development which is zoned for residential purposes;

(4) Any sign in the commercial area shall be attached flat against the building wall, shall not be animated, flashing, and shall not be visible from outside the planned area; and,

(5) No commercial area shall be occupied until at least eighty (80%) of the dwelling units are occupied.

4. General Requirements:

a. Lot Area -- There shall be no minimum lot area in a Planned Unit Development, except that any lots having either a private water supply or sewage treatment facility may not be reduced below the area or width set forth in SECTION 3 or The State Health Department requirements, whichever is most restrictive unless approved by both the Planning Commission and the State Health Department.*

*The minimum set back requirements will, however, apply to the outside boundaries of the tract to be developed.

b. Number of Dwelling Units -- The total number of dwelling units shall not exceed the maximum number allowed by the Residential District in which the development is proposed and shall be determined as follows:

(1) The maximum number of dwelling units shall be obtained by dividing the area of the residential part of the Planned Unit Development by the minimum land area per dwelling unit allowed in the Residential District covering the development; and

(2) No residential Planned Unit Development will be allowed in other than Residential Districts.

c. Common Open Space -- The minimum land area to be devoted to common open space shall be as follows: For each square foot by which the minimum lot area established by the zoning ordinance is reduced, one square foot must be devoted to common open space.

(For example: On a twenty (20) acre tract to be developed residentially in which ten (10) acres is in steep slope and wooded and the other ten (10) is flat and clear, the entire twenty (20) acres may be used to calculate the total number of dwelling units that may be constructed. The units may be constructed on the flat and clear ten (10) acres and the steep and wooded land retained in permanent common open space.)

d. Ownership and Maintenance of Common Open Space -The ownership and maintenance may be accomplished in one of two ways: The common open space may be accepted by the City as public land and the City assumes the maintenance responsibility or the common open space stays with the development and a neighborhood association shall be formed and responsible for the maintenance and conservation of the open space.

e. Off-Street Parking -- The off-street parking requirements shall be the same as provided in the Zoning District covering the development except that there shall be one (1) parking space for each 250 square feet of floor area for any commercial portion of a residential Planned Unit Development.

f. Approval and Platting of Planned Unit Developments-- Each request for a Planned Unit Development shall be approved by the Planning Commission and shall be platted in keeping with the requirements of the Subdivision Regulations. Partial platting of a Planned Unit Development will be permitted provided that an overall layout has been approved by the Planning Commission and that the proportional amount of permanent common open space is provided with each partial platting.

G. **Fees** The applicant for a change in zoning shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of \$50.00 to cover such costs as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the City of West Fork.

H. **Amendments**

1. The zoning regulation, when amended, shall be amended in conformance with the requirements of Act 186 of the 1957 General Assembly as required for the initial adoption of this ordinance.

2. The Planning Commission shall establish the procedures for processing requests for revisions in the zoning regulations.

3. No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the Planning Commission or City Council, whichever is later, unless the Planning Commission or City Council finds that a substantial reason exists for waiving this limitations

4. An applicant for a change of zoning or the applicant to the Board of Adjustment shall be required to reimburse the City of West Fork for costs of public notices and the conducting of a public hearing.

5. Appeal by Petition to the City Council -- Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City

Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

I. Schedule of Uses (See Appendix A)

J. Conditional Use Criteria The Planning Commission shall hear and decide each request for conditional use as listed in the Schedule of Uses. The Planning Commission shall hold a public meeting within ninety (90) days of the date of the application and may authorize the Conditional Use only after all of the following criteria (a-j) have been answered with an affirmative finding.

1. A written application has been filed with the city and the fee has been paid.
2. The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If personal contact a signed affidavit by the owner must be submitted.
3. Are public services and utilities available and adequate?
4. Is fire protection adequate?
5. Is the proposed use compatible with the surrounding area and the planned use for the area?
6. Is screening and egress safe and convenient?
7. Are Off-Street Parking and loading areas adequate?
8. Will refuse and service areas not cause adverse effects on adjacent property?
9. Will Off-Street Parking and loading areas not cause adverse effects on adjacent property?
10. Will signs be in compliance with the city's sign ordinance?

The Planning commission shall have sixty (60) days from the date the public hearing is held, to make its decision. If the Planning Commission does not make its decision within the sixty (60) day period the application shall be approved and the applicant may proceed. (Ord. No. 326, Sec. 1.)

K. Landscaping Requirements It is the intent of the City of West Fork to encourage the landscaping of commercial and industrial areas within the City; to lessen the impact of parking areas, to aid in making West Fork a more attractive community and to help replace plant material lost in the construction process.

In the C-General Commercial, I-Industrial and I-I-Light Industrial Districts it is required that a portion of the front yard between the right-of-way line and the front face of the main structure be landscaped with plant material that will address all three of the criteria stated in the intent above. Landscaping in addition to that stated above is encouraged but it is not a requirement.

There are no specific plant material or total area requirements which will allow the developer maximum flexibility in the design and choice of plant material. A landscape plan shall be submitted to the Planning Commission for approval prior to a building permit being issued for construction. The Planning Commission shall approve, approve with recommended changes or disapprove the landscape plan. The reasons for disapproving a landscape plan shall be stated in writing and provided to the developer. The developer shall revise and resubmit a landscape plan that was disapproved and the Planning Commission shall again review the plan. Once a landscape plan is approved by the Planning Commission a building permit may be issued for construction.

The Planning Commission shall forward a copy of the approved landscape plan to the building inspector. The building inspector shall be responsible for supervision of the landscape construction in keeping with the approved landscape plan.

Minor changes in the approved landscape plan may be approved by the building inspector. If in the opinion of the building inspector proposed changes are considered major the changes must be approved by the Planning Commission. (Ord. No. 303, Sec. 11.)

L. Parking Requirements

Use	Parking Spaces Required (off-street)
(a) Residential (single-family, duplex, multi-family, manufactured housing and mobile home)	2 per dwelling unit
(b) Other Residential:	
College dormitory	1 per 4 dormitory beds
College fraternity or sorority	1 per 2 residents
Nursing or convalescent home	1 per 1,000 sq. ft. of floor area
Room and boarding	1 per each bed
(c) Commercial:	
Office	1 per 200 sq. ft. of floor area
Retail	1 per 300 sq. ft. of floor area
Service 1	per 400 sq. ft. of floor area
(d) Other Commercial:	
Auction house	1 per 100 sq. ft. of floor area
Auto auction	1 per 100 sq. ft. of floor area
Bar, lounge or tavern	1 per each 4 seating capacity
Barber or beauty shop	3 per chair
Bus station	1/4 of the total land area
Carwash	1 per 2 employees
Drag strip	1 per 4 seating capacity

Furniture store:	
Under 10,000 sq. ft.	1 per 500 sq. ft. of floor area
Over 10,000 sq. ft.	1 per 1,000 sq. ft. of floor area
Hotel or motel	1 per sleeping room plus 1 per 225 sq. ft. of accessory facilities
Livestock sale barn	1 per 2 employees plus 1 per 10 animal capacity
Lumberyard	1 per 2 employees plus 1 per 400 sq. ft. of retail floor area
Miniwarehouse	1 per 2 employees
Mobile home sales	1 per 2 employees plus 1 per 10 mobile homes' capacity
Private club or lodge	1 per 4 seating capacity
Restaurant	1 per 4 seating capacity
Railroad passenger station	1 per 300 sq. ft. terminal area
Small animal kennels and board	1 per 250 sq. ft. of floor area
(e) Industrial and light industrial shift plus visitor parking	1 per each 1 employee on the largest
(f) Other Industrial:	
Building materials, general every 400 sq. ft. of retail floor area	1 per every 2 employees plus 1 per
(g) Warehousing	1 per every 2 employees
(h) Recreation	
Amusement, commercial (inside)	1 per 40 sq. ft. of floor area
Amusement, commercial (outside)	
Miniature golf	1 per hole plus 1 per employee
Water slide	1 per 800 sq. ft. of land area
Driving range	1 per tee plus 1 per employee
Auditorium	1 per every 4 seats
Bowling alley	5 per alley
Country club	30% of person capacity
Dance hall	1 per 100 sq. ft. of building area
Dominos	1 per 40 sq. ft.
Fairgrounds	1/4 of the land area
Fishing dock	30% of person capacity
Go-cart track	1 per 800 sq. ft. of land area
Golf course	10 per green
Guest ranch	30% of person capacity
Indoor theater	1 per 4 seats
Park	1/10 of land area
Racetrack	1 per every 4 seats

Rifle range	1 per stand
Rodeo grounds	1 per every 4 seats
Skating rink	1 per every 100 sq. ft.
Slot-car track	1 per every 40 sq. ft.
Stable	30% of person capacity
Swimming pool	30% of person capacity
Tennis court	2 per court
Zoo 1/4 of land area	
(i) Public and quasipublic:	
Cemetery, mausoleum	2 per each employee
Crematory and church	1 per 4 seats of chapel or sanctuary capacity
Jail	1 per 500 sq. ft. floor area
Community center	1 per 500 sq. ft. floor area
Day camp	2 per employee
Detention home	2 per employee
Religious, charitable or philanthropic organization	1 per 800 sq. ft. floor area
Fire station	2 per employee
Hospital	1 ½ per bed plus 1 per employee
Library, art gallery and museum	1 per 400 sq. ft. floor area
Funeral home	1 per 400 sq. ft. of assembly area plus 1 per 300 sq. ft. of nonassembly area
Orphanage	2 per employee
Planetarium	1 per 800 sq. ft. of floor area
Police station	1 per 500 sq. ft. of floor area
Post office	1 per every 2 employees plus 1 per every 400 sq. ft. floor area
School K-9	1 per 1,200 sq. ft. of floor area
School 10-12	1 per 800 sq. ft. of floor area plus 1 per stadium seats
School-Trade	1 per 800 sq. ft. of floor area
Convent or monastery	1 per 600 sq. ft. of floor area
Day nursery or child care center children	1 per employee plus 1 per every 3
Private school	1 per 800 sq. ft. of floor area
Public animal pound	1 per 400 sq. ft. of floor area
College, university or seminary	1 per 600 sq. ft. of classroom floor area plus 1 per 4 dormitory beds plus 1 per 4 stadium seats

(Ord. No. 303, Sec. 4.)

14.04.05 Board of Adjustment

Designation, Organization, Meetings of the Board

- A. The Board of Adjustment, hereinafter referred to as “The Board,” shall consist of the members of the Planning Commission.
- B. The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions.
- C. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried out and published in a newspaper of general circulation in the city at least one time seven days prior to the meeting.

Appeals from the Decision of Enforcement Officer The Board may hear appeals from the decision of the enforcement officer in respect to the enforcement and application of these regulations and may affirm or reverse, in whole or part, such decisions of the enforcement officer.

Variances The Board may hear requests for variances from the literal provisions of the zoning ordinances in instances where strict enforcement of the zoning ordinances would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

Fees The appellant to the Board of Adjustment shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of \$25.00 to cover such other costs as may be incurred in connection with such appeal. Such fee is to be deposited in the General Fund of the City of West Fork.

Appeals From the Decision of The Board The decision of the Board in respect to appeals from the decision of the enforcement officer and to request for variances shall be subject to appeal only to a Court of Record having Jurisdiction. (Ord. No. 303, Sec. 5.)

14.04.06 Enforcement

- A. The provision of this ordinance shall be administered by an enforcement officer designated by the City Council. No structure shall be erected, moved, added to or structurally altered, without a building permit. All applications for building permits shall provide such information as is necessary to determine conformance with these regulations.

B. If the enforcement officer shall find that the provisions of this ordinance are being violated and shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action to correct it, should the person, firm, corporation, or agent responsible for said violation fail to take the necessary action to correct it, the enforcement shall notify the City Council, which shall certify the violation to the City Attorney. The City Attorney shall, within seven days, apply to a court having jurisdiction to remove the violation. Each day a violation exists after notification by the enforcement officer, is a separate offense. The violator may be also charged with a misdemeanor and be subject to a fine not less than \$25.00 nor more than \$1,000.00. (Ord. No. 303, Sec. 6.)

14.04.07 Definitions For the purpose of these Regulations certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, the word "person" includes a firm or corporation as well as an individual, and the word "lot" includes the words "plot" and "parcel", except where the natural construction of the writing indicates otherwise. The word "shall" is always mandatory and not permissive. "Map" means the Zoning Map of the city of West Fork.

ACCESSORY STRUCTURE OR USE: Any structure or use on the same lot with, and customarily incidental and secondary to the main structure or use including satellite receiving dishes.

ALLEY: A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

APARTMENT HOUSE OR MULTI-FAMILY DWELLING: Any structure designed for and occupied by three or more families living independently of each other as separate housekeeping units, including apartment houses, flats, and town houses or condominiums, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels.

AUTOMOBILE-JUNK AREA OR GRAVEYARD: An area other than a street or alley used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

AUTO WRECKING: The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipments, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

BED AND BREAKFAST FACILITY: A permanently owner occupied private home with a maximum of three (3) guest rooms furnishing temporary lodging and breakfast to paying customers.

BILLBOARD: An outdoor advertising structure which advertises a use, product, or service not necessarily found on the premises.

BOARDING HOUSE: Any dwelling unit other than a hotel or motel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for persons other than the permanent residents.

BUFFER: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or berm, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

BUFFER AREA: An area which acts as a separation area between two or more noncompatible districts.

BUILDABLE AREA: That portion of a lot remaining after required yards have been provided.

BUILDABLE WIDTH: Width of the building site after the required yards have been provided.

BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

BUILDING SETBACK LINE: The distance required by this ordinance to be maintained between a given lot line, easement or right-of-way line and any structure--front, rear, or side, as specified.

BUILDING, MAIN: Building in which is conducted the principal use of the lot on which it is situated.

BUILDING SITE: A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

CEMETERY: A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.

CHILD CARE CENTER: A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of the children is charged. The term "Child Care Center" indicates day care nurseries, day care centers and any other facility that falls Within the scope of the definition set forth herein, regardless of auspices. Exempted from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be as stipulated by the State Board of Health and Standard Building Code.

CONFORMING USE: Any lawful use of a building or lot which complies with the provisions of this ordinance.

COVERAGE: The percentage of the lot area covered by the building area.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

DISTRICT: Any zoning district established by this ordinance.

DWELLING: Any building, or portion thereof, which is designed or used as living quarters for one or more families.

DWELLING, SINGLE-FAMILY: A dwelling designed to be exclusively occupied by one family.

DWELLING, TWO-FAMILY: A dwelling designed to be occupied by two families living independently of each other.

DWELLING, MULTI-FAMILY: A dwelling designed for occupancy for three or more families living independently of each other.

DWELLING UNIT: A room or group of rooms occupied or intended to be occupied as separate living quarters.

EASEMENT: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

EXCAVATE: Means to dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

FAMILY: One or more persons related by blood or marriage, including adopted children, or not

more than four (4) unrelated persons occupying premises and living as a single nonprofit housekeeping unit. A family shall be deemed to include domestic servants employed by said family.

GARAGE APARTMENT: A dwelling unit erected as part of a private garage.

GARAGE, PRIVATE: An accessory building or part of a main building used for storage purposes for one or more vehicles.

GARAGE, PUBLIC: Any building other than a private garage, available to the public for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire, or sale.

GASOLINE, SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not include facilities of lubricating, washing or cleaning, but not including storage and rental of vehicular equipment.

HABITABLE FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor."

HOME OCCUPATION: Any occupation or profession carried on by a family residing on the premises which is clearly incidental and secondary to the use of the dwelling unit, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings.

HOTEL OR MOTEL: A building containing sleeping rooms designed to be occupied as the temporary abiding place of transient persons with or without a restaurant. Other typical characteristics include daily rental rates, central office and telephone switchboard, majority of units without kitchen or cooking facilities, daily linen service and ancillary uses such as coffee shop, bar, gift shop, swimming pool and exercise room.

JUNKYARD, OPEN STORAGE: An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, or salvaged.

KENNEL: An establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded or trained for remuneration or offered for sale.

LOT: For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination

of complete lots of record; (d) A parcel of land described by metes and bounds; provided that in no case of division or combinations shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

LOT, CORNER: A lot located at the intersection of and abutting on two (2) or more streets.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT, DOUBLE FRONTAGE: A lot, other than a corner lot which has frontage on more than one street. Also referred to as through lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT AREA: The total area included within the front, side and rear lot lines.

LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street.

LOT LINE, FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or through lot, the line separating said lot from the street which the house will face, to be determined from the request for a building permit. Front lot line is synonymous with street right-of-way line.

LOT WIDTH; The width of a lot at the front lot line.

LOT OF RECORD: A lot, the plat of which has been recorded in the office of the Circuit Clerk.

MEDICAL AND DENTAL FACILITIES:

- A. **Convalescent, Rest, or Nursing Home:** A health facility where persons are housed and furnished with medical and/or nursing care.
- B. **Dental office or Doctors office:** A facility for the examination and treatment of patients.
- C. **Hospital:** An institution providing comprehensive health services.
- D. **Public Health Center:** A facility primarily utilized by a health unit for the provisions of public health services.

MOBILE HOME: A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, which is built on a permanent foundation when connected to the required utilities.

MOBILE HOME PARK: A parcel of land in which land spaces are rented or leased for placement of mobile homes.

MOBILE HOME SUBDIVISION: A mobile home subdivision is a tract of land in which spaces or lots for mobile homes are for sale in which the purchaser receives fee simple title to the space or lot.

MODULAR HOMES: A modular home is a factory fabricated dwelling over 32 feet in length and at least 24 feet wide designed and constructed without carriage or hitch collar as stationary house construction for placement upon a permanent foundation, to be permanently connected to utilities, and to be used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit. A modular home must meet the minimum construction standards for house construction as specified in the Standard Building Code, the Federal Housing Administration Minimum Property Standards.

NONCONFORMING USE: A structure and/or land use lawfully occupied by a use that does not conform to the regulations of the district in which it is situated at the time of the passage of this ordinance.

OUTDOOR STORAGE: A depository or place for storing goods related to the establishment on the same premises and not located within a building.

PARKING SPACE, OFF STREET: For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PERMITTED USE: That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

PLANNED UNIT DEVELOPMENT: A land tract in which a multiplicity of land uses may be permitted including single-family residential, multi-family residential, public use and compatible commercial use, and in which land not used by residential or commercial structures and yards but required by basic zoning of the site shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

RESIDENTIAL STRUCTURE: A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels and motor lodges.

SIGNS: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SIGN, OFF-SITE: A sign other than an on-site sign.

SMALL ANIMAL CLINIC: A commercial facility operated to provide treatment and care including temporary boarding for domestic animals.

SPACE SATELLITE RECEIVING SYSTEMS: A structure which receives audio-visual wave frequencies from earth orbiting communications satellites. These satellite systems shall be considered as an accessory use.

STABLE, PRIVATE: An accessory building for the keeping of horses, or mules owned by the occupants of premises and not kept for remuneration, hire or sale, and not to exceed one large animal per 20,000 square feet.

STORY: That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

STREET: Any public right-of-way which affords the principal means of access to abutting

property.

-154.15-

STREET LINE: Public right-of-way line of a street.

STRUCTURE or BUILDING: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile/manufactured homes, walls, fences, billboards and poster panels, but do not include driveways, sidewalks, patios and other similar facilities.

STRUCTURAL ALTERATIONS: Any change in the roof, exterior walls or supporting members of a building.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

TOWN HOUSE: One of a series of two or more attached single-family dwelling units, separated from one another by a continuous vertical party walls without openings from the lowest floor to the roof and with property lines separating each unit along the party wall.

TRAILER, CAMPER, RECREATION VEHICLE: A portable or mobile dwelling used for temporary occupancy, self contained, intended for camping, travel or recreational purposes and not for extended occupancy.

UNOBSTRUCTED OPEN SPACE: An area of land upon which no structure may be erected.

USE CONDITIONAL: A use which is listed as conditional in the schedule of uses and must be reviewed and approved by the Planning Commission prior to its being allowed.

USED CAR SALES: Two (2) or more automobiles shown, advertised, or displayed for sale.

USE PERMITTED: A use which is listed as permitted in the district in the schedule of uses and is allowed in the zoning district without further action of the Planning commission.

VARIANCE: A modification of the literal provisions of this ordinance which the Board is permitted to grant when strict enforcement of said provisions would cause undue hardship (such hardship cannot be self created or of an economic nature) owing to circumstances unique to the individual property on which the variance is sought.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations

and requirements limiting obstruction of visibility.

-154.16-

YARD, FRONT: A yard located in front of the front elevation of a building unoccupied and unobstructed by any portion of a structure from the ground upward and extended across a lot between the side lot lines and being the minimum distance between the front property line and the outside wall of the main building.

YARD, REAR: A yard extending across the rear of the lot measured between inner yard lines and being the minimum distance between the rear lot line and the rear of the main building. on both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the building and the side line of the lot unoccupied and unobstructed by any portion of a structure from the ground upward and extending from the front building line to the rear building line and being the minimum distance between a side lot line and the outside wall of the side of the main buildings.

ZONING MAP: The official zoning map or maps which are a part of the Zoning Ordinance and delineates the boundaries of the zoning districts. (Ord. No. 303, Sec. 7.)

14.04.08 Filing fee for zoning change. The applicant for a change in zoning shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of Twenty-Five Dollars (\$25.00) to cover such costs as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the City of West Fork. (Ord. No. 277.)

14.04.09 Conditional Use Criteria The Planning Commission shall hear and decide each request for conditional use as listed in the Schedule of Uses. The Planning Commission shall hold a public meeting on each request and may authorize the Conditional Use only after all of the following criteria have been answered with a yes finding.

1. A written application has been filed with the City and the fee has been paid.
2. The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If personal contact a signed affidavit by the owner must be submitted.
3. Are public services and utilities available and adequate?
4. Is fire protection adequate?
5. Is the proposed use compatible with the surrounding area and the planned use for the area?
6. Have all yard, setback and other area requirements been met?

-154.17-

7. Is screening and buffering adequate?
8. Is ingress and egress safe and convenient?
9. Are Off-Street Parking and loading areas adequate?
10. Will refuse and service areas not cause adverse affects on adjacent property?
11. Will Off-Street Parking and loading areas not cause adverse affects on adjacent property?
12. Will signs be in compliance with the City's sign ordinance?
(Ord. No. 295.)

14.04.10 Schedules of Uses adopted by reference The Schedules of Uses in Ordinance 295 are adopted by reference. (Ord. No. 295.)

CHAPTER 14.08

FLOOD DAMAGE PREVENTION

Sections:

- 14.08.01 Statutory authorization, finding of fact, purpose and methods
- 14.08.02 Definitions
- 14.08.03 General provisions
- 14.08.04 Administration
- 14.08.05 Provisions for flood hazard reduction

14.08.01 Statutory authorization, findings of fact, purpose and methods.

A. Statutory Authorization. The Legislature of the State of Arkansas has in statutes delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of West Fork, Arkansas, does ordain as follows:

B. Findings of Fact.

- (1) The flood hazard areas of West Fork, Arkansas, are subject to periodic inundation

which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for costly flood control projects.

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimize prolonged business interruptions.

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains.

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and.

(7) Insure that potential buyers are notified that property is in a flood area.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging and other developments which may increase flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. No. 182, Art. 1)

14.08.02 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, VI-30, VE or V.

BASE FLOOD - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a nonbasement buildings (i) built in the case of a building in Zone AI-30, AE, A, A99, AO, AH, B, C, X and D to have the top of the elevated floor or in the case of a building in Zones VI-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, A, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform in intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities but does not include long-term storage or related manufacturing facilities.

HABITABLE FLOOR - means any floor usable for the following purposes: which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. No. 182, Art. 2)

14.08.03 General provisions.

A. Lands to Which This Ordinance Applies. The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of West Fork, Arkansas.

B. Basis For Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of West Fork Arkansas," dated January, 1980, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

C. Establishment of Development Permit. A Development Permit shall be required to assure conformance with the provisions of this ordinance.

D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimed of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. No. 182, Art. 3)

14.08.04 Administration.

A. Designation of the Floodplain Administrator. The City Building Inspector is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of §§ CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local government agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example: where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Soil and Water Resource Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 14.08.05.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

C. Permit Procedures.

(1) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 14.08.05 B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

e. Maintain a record of all such information in accordance with Section 14.08.04 (B)(1);

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following related factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others:

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location where applicable.

i. The availability of alternative locations not subject to flooding or erosion damage; for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance Procedures.

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance. (Section 14.08.01 C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variances is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 14.08.04 D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. No. 182, Art. 4)

14.08.05 Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 14.08.03 (B), (ii) Section 14.08.04 B(8) or (iii) Section 14.08.05 C(4), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation,. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 14.08.04 C(1)a is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed to that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

- b. The bottom of all openings shall be no higher than one (1) foot above ground.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

- a. Require that all manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. for the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. All manufactured homes shall be in compliance with Section 14.08.05 B(1).
- c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of paragraph B(4) of this Section.

C. Standards for Subdivision Proposals.

- (1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Section 14.08.01 B, C, and D of this ordinance.
- (2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Section 14.08.03 C, Section 14.08.04 C, and the provisions of Section 14.08.05 of this ordinance.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks, and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 14.08.03 B or Section 14.08.04 B(8) of this ordinance.
- (4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established in Section 14.08.03 B are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures:

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 14.08.04 C(1)a are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

E. Floodways. Floodways - located within areas of special flood hazards established in Section 14.08.03 B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Section 14.08.05 E(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.08.05. (Ord. No. 182, Art. 5)

CHAPTER 14.12

ANNEXING, VACATING AND RE-ZONING PROPERTY

Sections:

14.12.01 Annexing

14.12.01 Annexing

Ord. No. 2008-402

Part of NW ¼ of Sec. 5, Twp 14 N, Range 30 West

Ord. No. 2008-406

SE Corner of NE ¼ of Sec. 28, Twp 15 N, Range 30 West

TITLE 15

SUBDIVISIONS

Chapters:

- 15.04 Subdivision Regulations
- 15.08 Comprehensive Development Plan

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

- 15.04.01 General provisions
- 15.04.02 Definitions
- 15.04.03 Procedure for subdivision plat approval
- 15.04.04 Improvements and design standards
- 15.04.05 Administration

15.04.01 General provisions

- A. **Title** These regulations shall be known, cited, and referred to as the Subdivision Regulations of the city of West Fork, Arkansas (hereinafter these regulations). (Ord. No. 302, Sec. 1.)
- B. **Policy**
 - 1. It is declared to be the policy of the City to consider the subdivision of land and the subsequent development as subject to the control of the City pursuant to the official plans and regulations of the City for the orderly, planned, efficient and economical development of the City.
 - 2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities exist or are provided for and provisions have been made for drainage.

C. Purposes

- the
1. To protect and provide for the public health, safety, and general welfare of citizens of the City.
 2. To guide the future growth of the City in accordance with the officially adopted Plans.
 3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding and congestion.
 4. To protect and conserve the value of land and improvements and to minimize conflicts.
 5. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, and to ensure proper legal descriptions and monumenting of land.
 6. To prevent pollution of air, water and soil, to preserve natural beauty and ensure appropriate development with regard to natural features, and to provide open spaces for existing and future generations.

D. Authority These subdivision regulations are adopted pursuant to Act 186 of 1957 General Assembly of the State of Arkansas as amended.

E. Jurisdiction The jurisdiction of these regulations include all lands within the city limits of the City of West Fork, Arkansas and the surrounding area within the adopted and filed planning area boundary as provided for in Act 186 of 1957 as amended.

F. Interpretation The interpretation and application of these regulations shall be held to be minimum requirements and shall be construed broadly to promote their purposes.

G. Saving provision These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm, or corporation, or as waiving any rights of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations. (Ord. No. 302, Sec. 1.)

15.04.02 Definitions For the purpose of these regulations, certain terms used herein are defined as follows:

ALLEY. A minor public way used for utility easements and a secondary means of access to the side or rear of properties abutting a street.

APPLICANT. The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner.

BLOCK. A tract of land bounded by streets, or by a combination of streets and parks, cemeteries, railroad rights-of way, shorelines of waterways, or boundary lines of cities.

BOND. Any form of a surety bond in an amount and form satisfactory to the City. All bonds shall be approved by the City council when required.

BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

BUILDING SET-BACK LINE. A line generally parallel to the street right-of-way line and other property lines, indicating the limit beyond which buildings or structures may not be erected.

COVENANT. A restriction on the use of land or property usually set forth in the deed or other document as provided by the subdivider.

CUL-DE-SAC. A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

DEED. A legal document conveying ownership of real property.

DEVELOPER. The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

EASEMENT. A grant by a property owner for the public, a corporation, or persons to use a strip of land or land in general for a specified purpose.

FRONTAGE. That side of a lot abutting a street and ordinarily regarded as the front of the lot except on corner lots the side with the least dimension is ordinarily regarded as the front.

IMPROVEMENT. Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

LARGE SCALE DEVELOPMENT. The development of land, other than a single-dwelling unit or for agricultural purposes, which is one (1) acre or more and may include but is not limited to multifamily residential, commercial, industrial, recreation, sport and entertainment.

LOT. A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development.

LOT SPLIT. A minor subdivision of land involving the conveying or contract to convey parcels (lots) of land, for the purpose of adjusting parcel line or creating no more than two (2) new parcels not previously recorded in the office of Circuit Clerk. Two kinds of lot splits are defined:

A. Correctional Lot Split - The conveying or contract to convey a portion of a parcel (lot), for the purpose of correcting an error or other reasons where no new parcel is created.

B. Limited Lot Split - The conveying or contract to convey a portion of a parcel (lot) creating no more than two (2) new lots not previously recorded in the office of Circuit Clerk.

MASTER PLAN. A comprehensive plan for development adopted by the City Council pursuant to State law, and including any part of such plan separately adopted and any amendments thereto.

MAJOR STREET PLAN. A plan for streets adopted by the City Council classifying all streets by type and function and setting standards for those streets.

PARCEL. A lot or tract of land recorded in the office of Circuit Clerk.

PLAT. A map representing a tract of land showing the boundaries, lots, streets, easements, etc., of a subdivision and may be called sketch, preliminary or final.

REGISTERED ENGINEER. An engineer properly licensed and registered in the State.

REGISTERED SURVEYOR. A land surveyor properly licensed and registered in the State.

RESUBDIVISION. Any change in a map of a recorded subdivision plat.

RIGHT-OF-WAY. A strip of land acquired by legal means and intended to be occupied by a form of transportation, utility or other similar use.

RIGHT-OF-WAY WIDTH. The distance between property lines forming the right-of-way measured at a right angle to the property line or that roadway width required by the Major Street Plan for each class of road.

STREET. Any vehicular way that: (1) is an existing state, county or city roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; (4) is known on a plat duly filed and recorded in the county recording office; and includes the land between the street lines, whether improved or unimproved.

STREET ARTERIAL. Connects freeway/expressway, rural highways at the edge of the city, and major urban activity centers. Traffic is composed predominantly of traffic across or through the city. Access may be controlled through medians or by the limitation of curb cuts.

STREET ARTERIAL MINOR. Connects higher functional class facilities, activity centers, region of the city and major county roads at the edge of the city. Traffic is composed predominantly of trips across and within regions of the city. Provides service to traffic at a somewhat lower level of travel mobility than arterials with minimal control of access. Ideally does not penetrate neighborhoods.

STREET COLLECTOR. Provides traffic circulation within neighborhoods, commercial and industrial areas. Collects traffic from local streets in neighborhoods and channels it into the arterial system. Connections between arterials should be indirect or should not be allowed in order to discourage use by traffic from outside the neighborhood.

STREET FREEWAY-EXPRESSWAY. A high speed, multi-lane (may be divided) facility with a high degree of access control. This facility provides for through traffic movements and is not intended for direct local access.

STREET LOCAL. A street designed to provide vehicular access to abutting property and to discourage through traffic.

SUBDIVIDER. A person, firm or corporation undertaking to develop a subdivision as defined by these regulations.

SUBDIVISION. Any land platted or unplatted, which is divided or proposed to be divided for the purpose of development., into four (4) or more new lots, parcels, tracts, etc., within the planning area jurisdiction as shown on the. approved and filed planning area map when any or all of the following is involved:

- A. Sale or contract to sell whether immediate or future;
- B. Provision of access and or utilities to the lots or parcels; and
- C. The construction of new buildings.

The division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets, easements, utilities or new buildings (except for agricultural purposes) shall not be considered a subdivision.

SURVEY. The process of precisely ascertaining the area, dimensions, and location of a piece of property.

TRACT. A lot. The terms tract and parcel are used interchangeably with the term lot. (Ord. No. 302, Sec. 2.)

15.04.03 Procedure for subdivision plat approval

A. Lot Split

1. General Procedure. Lot splits are considered a minor subdivision of land subject to these regulations and the review and approval of the Planning Commission. Two types of lot splits are allowed before a subdivision plat must be filed and they are Correctional and Limited.

2. Correctional Lot Split. When a person wants to convey a portion of a lot to adjoining lots where no new lot (s) are created and all lots at the conclusion of the lot split meet the zoning ordinance, major street plan and state law requirements, then the following process is provided:

- a. Complete and file a lot split application along with the fee with the enforcement official;
- b. Submit a survey of all lots involved in the split;
- c. Submit necessary easements; and
- d. Submit necessary right-of-way dedication.

The enforcement official shall check the lot split and all documents submitted and when all requirements have been met the enforcement official shall stamp the survey, "Correctional requirements met no plat required". The enforcement official shall have the survey signed by an officer of the Planning Commission and may then release the lot split. If any of the requirements of a. through d. above are not complied with, the enforcement official shall submit the lot split to the Planning Commission for their review and approval. If the Planning Commission denies the lot split the applicant may appeal their decision to the City Council by submitting a letter of appeal to the City Clerk within fifteen days of the date of Planning Commission denial.

Following Planning Commission or City Council approval the same process of stamping and signing the survey shall be followed.

3. Limited Lot Split. When a person wants to convey one or two lots from an existing lot all of which meet the zoning ordinance, major street plan and state law requirements at the conclusion of the lot split, then the following process is provided:

- a. Same process as Correctional Lot Split, a. through d., Section 3:A.2.
- b. once a lot has been split under the lot split provision any subsequent divisions of any of the lots involved in the original split shall go through the subdivision process. This requirement does not apply to correctional lot splits.

B. Preliminary plat

1. General Procedure. When a person wishes to subdivide land within the planning area jurisdiction of the City, the following procedure shall be followed:

- a. Fill out preliminary plat application and file with enforcement official;
- b. Pay preliminary plat fee;
- c. File ten (10) copies of preliminary plat at least nine (9) working days prior to the Planning Commission meeting.

2. Plat Requirements. The preliminary plat shall include the following information.

- A. Name and address of the owner, developer, engineer or surveyor;
- B. Subdivision name, date, scale - written and graphic, north arrow, acreage and zoning (subdivision name shall not duplicate any other existing subdivision name);
- C. Legal description of the property with dimensions and angles sufficient to locate the property on the ground including section, township and range;
- D. Lots and blocks shall be identified;
- E. Location of all existing stakes and monuments;
- F. Vicinity map showing location of plat and relation to surrounding development and streets;
- G. Topography at the engineer's discretion best suited to the land;
- H. Location and names of existing or platted streets and utility easements within or abutting the subdivision;
- I. Location of prominent physical features;
- J. Names of adjacent subdivisions and owners of adjacent lands;
- K. Location and size of utility lines, watercourses, bridges, culverts, wooded areas, lakes, flood-plains, and underground installations within or adjacent to the subdivision;
- L. General drainage plan;
- M. Location and dimension of all proposed lot lines, lot and block numbers, building lines, street lines, easements, dedications and reservations;
- N. Proposed use of all land in the subdivision;
- O. Protective covenants - if any;
- P. Location and dimension of sidewalks and location of street lights.

3. Review By Planning Commission.

- A. The proposed preliminary plat shall be placed on the next Planning Commission agenda following the nine (9) day filing requirement and provided all filing and plat requirements have been met.
- B. The Planning Commission shall review the preliminary plat along with any comments of the enforcement official, utility companies, city departments, adjoining property owners or others within the immediate area, developer and the developers engineer. The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat. Within ten (10) days following the Planning Commission action the developer shall be notified in writing and provided reasons for disapproval or conditions of approval. Failure of the Planning Commission to act on the preliminary plat within sixty (60) days of the date of the Commission meeting at which the subdivision was scheduled to be heard, shall be deemed approval of the preliminary plat and the developer shall be so notified.
- C. If a developer desires to develop only a portion of the land, a preliminary plat shall be required for the entire property under ownership, then a final plat may be processed for that portion desired for construction.
- D. The approval of the preliminary plat shall be effective for one (1) year following the date of approval by the Planning Commission. The Planning Commission may extend the one year period if requested in writing by the developer. If a final plat has not been submitted for approval within sixty (60) days following the expiration of the preliminary plat, then the developer shall resubmit a preliminary plat.
- E. The Planning Commission may review and approve, approve with conditions or disapprove an amendment to a preliminary plat submitted by a developer during the period an approved preliminary is in effect. The Planning commission action on an amendment does not change the effective approval period of the original preliminary plat unless so requested by the developer in the amendment.
- F. Approval of the preliminary plat authorizes the developer to:
 - 1. Prepare plans, profiles and specifications f or streets, storm drainage, water and sewer.
 - 2. Submit plans, profiles and specifications f or review and approval by the appropriate City official; or
 - 3. Prepare and submit the final plat provided the requirements of Section 4: I. are a part of the final plat process.

- G. Approval of a final plat on a portion of an approved and active preliminary plat as authorized in c. above, has the effect of continuing the approval period of the original preliminary plat to the period of time it takes the developer to submit final plats on all of the land, not to exceed ten (10) years unless approved by the Planning Commission.
- H. Any decision of the Planning Commission may be appealed to the City Council. An appeal letter shall be submitted to the City Clerk within fifteen (15) days of the Planning Commission decision. The City Council may uphold, reverse with conditions, or reverse any decision of the Planning Commission.

B. Final Plat

1. General Procedure. After approval of a preliminary plat and while the preliminary plat is in the effective approval period and all required improvements have been installed and approved, the developer may submit a final plat, or a final plat may be submitted while the preliminary plat approval is in effect and no improvements have been installed provided the developer follows the process in Section 4:I. The following procedure shall be followed:

- a. Fill out final plat application and file with enforcement official;
- b. Pay final plat fee;
- c. File ten (10) copies of final plat at least nine (9) working days prior to the Planning commission meeting.

2. Plat Requirements. The final plat shall include the following information:

- A. Name of the subdivision, date, scale written and graphics, north arrow, acreage and zoning.
- B. Legal description with section, township and range and dimensions and bearings sufficient to locate all lines on the ground;
- C. Names and addresses of owner, developer, engineer or surveyor;
- D. Scale of the final plat shall be either 1"=100' or 1"=200';
- E. Location and dimensions of all streets, alleys, easements, areas of public use and flood plain within and adjacent to the subdivision;
- F. Building set-back lines with dimensions;
- G. Dimensions and number or letter of all lots and blocks with the subdivision.
- H. Location and description of all monuments;

- I. Certificate of ownership and dedication;
- J. Certificate of accuracy of engineer and surveyor;
- K. Signature block for the Planning Commission;
- L. Signature block to certify approval of streets, sidewalks, street lights, easements, set-backs, grading and drainage by the City;
- M. Signature block to certify acceptance of dedications by the City Council;
- N. Signature block for Water and Sewer Superintendent to certify State Health Department approval of water and sewer plans;
- O. Certificate of guarantees in lieu of improvements received and approved by City Council.

3. Review By Planning Commission.

A. The proposed final plat shall be placed on the next Planning Commission agenda following the nine (9) day filing requirement and provided all filing and plat requirements have been met.

B. The Planning Commission shall review the final plat and when satisfied that all conditions of preliminary plat approval have been met and all concerns of utility companies, municipal departments and citizens have been addressed, the Planning Commission may approve the final plat. If there are conditions or concerns that the developer agrees to meet the Planning commission may give conditional approval subject to the conditions or concerns being complied with by the developer. If there are conditions or Planning Commission concerns that the developer refuses to meet the Planning commission may disapprove the final plat. Within ten (10) days following the Planning Commission action the developer shall be notified in writing and provided reasons for disapproval or conditions of approval. Failure of the Planning Commission to act on the final plat within sixty (60) days of the date of the Commission meeting at which the final plat was schedule to be heard shall be deemed approval of the final plat and the developer shall be so notified.

C. Approval of the final plat authorizes the:

- 1. Enforcement officer to have the final plat signed by all requiring signatures;
- 2. City Council to proceed with acceptance of street dedications; and
- 3. Developer to file the final plat in the Circuit Clerks office.

D. Any decision of the Planning Commission may be appealed to the City Council following the same process as set forth in the preliminary plat process.

D. Large scale development

1. General Procedure. When a person wishes to develop land in the city limits of West Fork or the filed planning area boundary that falls under the definition of a large scale development then the following procedure shall be followed:

- a. File an application for large scale development with the enforcement official;
- b. Payment of fee;
- c. Submit a survey of the property showing:
 - 1. Existing lot lines with dimensions,
 - 2. Zoning of the property,
 - 3. Existing right-of-way on adjoining streets;
 - 4. Existing and proposed access,
 - 5. Proposed parking,
 - 6. Water courses and proposed drainage,
 - 7. Existing and proposed easements,
 - 8. Location of existing and proposed structures,
 - 9. Location of existing and proposed utilities.
 - 10. Vicinity map.
- d. Submit any necessary dedications and easements and
- e. Submit plans for any necessary street or drainage construction.

2. Review By Planning Commission. The Planning Commission shall review the proposed large scale development and when satisfied that all requirements of this ordinance, municipal departments, utility companies and concerned citizens have been met, may approve,, approve with condition or disapprove the large scale development. The applicant shall be notified in writing within ten (10) days of the date of the Planning Commission meeting, of the action of the Planning Commission. If approved with conditions or disapproved the conditions or reasons for disapproval shall be included in the written notification. Any decision of the Planning Commission may be appealed to the City Council following the same procedure as set forth in the preliminary plat process. (Ord. No. 302, Sec. 3.)

15.04.04 Improvements and design standards

A. General In addition to the requirements established in these regulations all subdivision plats shall comply with the following:

1. The zoning ordinance, building code, adopted plans, flood prevention ordinance, Arkansas State Health Department regulations, Arkansas State Highway and Transportation Department regulations and addressing ordinance;
2. Plat approved may be withheld if the subdivision, lot split or large scale development is not in conformity with the above laws, regulations and policies.

B. Adequate Public Facilities No plat shall be approved unless the Planning Commission determines that public facilities and services are adequate to support and serve the area of the proposed subdivision. All public improvements, easements and rights-of-way shall be extended to the boundary of a parcel on which development is proposed to provide for a logical extension of the public infrastructure.

C. Water All habitable buildings and buildable lots shall be connected to an approved water system capable of providing water for health and emergency purposes including adequate fire protection. All water systems shall be approved by the Arkansas State Health Department, the West Fork Water Commission and shall meet their standards.

D. Sewer All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. All sewer systems shall be approved by the Arkansas State Health Department, the West Fork Sewer Commission and shall meet their standards.

E. Storm Drainage The developer of a subdivision shall make adequate provisions for storm and flood water runoff. The storm water drainage system shall be separate and independent of the sanitary sewer system. All storm water systems shall meet the specification set out in the, "Minimum Standards For Street Construction", Ordinance No. 70, December 14, 1971, the minimum standards of the Arkansas State Highway and Transportation Department and shall be approved by the City of West Fork.

F. Streets The financing, construction and dedication of all streets are the responsibility of the developer. All local streets shall be constructed to meet the specifications set out in the, "Minimum Standards For Street Construction", Ordinance No. 70, December 14, 1971. All State and U.S. Highways shall meet the standards established by the Arkansas State Highway and Transportation Department.

The following general standards are established for street and related facility construction.

1.	Right-of-Way	(Minimum)
	Arterial	80 feet
	Collector	60 feet
	Local	50 feet

- 2. Percent Grade (Maximum)
 - Arterial 8
 - Collector 10
 - Local 12

- 3. Pavement Width (Excluding Curb & Gutter)
 - Arterial 48 feet
 - Collector 36 feet
 - Local 24 feet

- 4. Cul-De-Sac
 - Maximum Length 660 feet
 - Turnaround Radius (ROW) 50 feet
 - Turnaround Radius (Pavement) 38 feet

- 5. Sidewalk (Minimum)
 - Width 4 feet

- 6. Intersections
 - Angle (Minimum) 75 degrees
 - Grade Within 100 feet (percent) 0-4
 - Distance to Curb Cut
 - Arterial 50 feet Collector 50 feet
 - Local 40 feet
 - Site Distance (Minimum) 70 feet

- 7. Curb Radius (Minimum)
 - Arterial 40 feet
 - Collector 30 feet
 - Local 20 feet

- 8. Distance Between Reverse Curves 100 feet

- 9. Local Street Jogs (Minimum) 150 feet

- 10. Distance Between Curb Cuts
 - Arterial 50 feet
 - Collector 40 feet
 - Local 15 feet

- 11. Street names are subject to the approval of the Planning Commission and the requirements of the street addressing ordinance.

12. Street lights shall be placed at each intersection and shall have a maximum spacing of 300 feet.
13. Street name signs and their installation are the responsibility of the developer.

G. Monument Reinforced concrete monuments 4 inch by 4 inch by 30 inches with appropriate markings shall be located at quarter section corners and subdivision corners. Metal stakes a minimum of one half inch diameter by 30 inches long shall be placed at all lot corners, points of tangency, points of curvature and angles in property lines or easements, all monuments shall be shown on the final plat, lot split survey and large scale development plan.

H. Lots and Blocks

1. Lots

Lots shall be arranged so that there will be no foreseeable difficulties in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing reasonable driveway access from an approved street.

In general side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation will give a better street or lot plan.

Corner lots shall be large enough to allow the minimum front yard setback to be observed from both streets.

Double frontage lots shall be avoided except where necessary to provide separation from arterial streets or to overcome specific topographic or orientation problems.

Driveway access to arterial streets shall be avoided and if it can't be avoided the Planning Commission may require combined driveway access to reduce the number of possible hazard spots.

2. Blocks

Blocks shall have sufficient width to provide two tiers of lots of appropriate depth except when backing to arterial streets, railroads, waterways or similar features.

Blocks should not be shorter than 500 feet or longer than 1500 feet. If blocks must be longer than 1500 feet the Planning Commission may require an easement through the block for pedestrian traffic.

I. **Guarantees in lieu of Installation of Improvements** The Planning Commission may approve the final plat prior to the installation of all required improvements if the subdivider:

Deposits cash or a performance bond (such shall be in an amount equal to the estimated costs of the improvements as determined by the Planning Commission) upon satisfactory completion of the improvements, the subdivider may withdraw any deposits.

Enter into an agreement or contract with the City.

J. **Subdivision Improvement Guarantee** The developer shall guarantee to the City that all public improvements are free from defect for a period of two years following the acceptance by the City of the dedication of the last completed public improvement. Should any defect occur during the guarantee period its repair or replacement shall be the responsibility of the developer.

K. **Reserve Strips** The creation of reserve strips to deny access to public improvements from adjacent property shall not be permitted.

L. **Off-Site Improvements** The Planning Commission may require the developer to install of f -site improvements where the need f or such improvements is created in whole or in part by the proposed subdivision. Required off-site improvements shall be the responsibility of the developer unless the City Council agrees to share with the developer in their cost.

15.04.05 Administration

A. **Variances** Whenever the tract to be subdivided is of such unusual size, shape or topography or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety.

"Agricultural purposes" referred to in the definition of a subdivision means the use of a major portion of the tract for horticulture, nurseries, orchards, forests and forestry, apiaries, field crops, breeding or raising livestock or poultry, riding stables, or other similar activities.

B. **Severability** If any section, paragraph, clause, phrase or part of these subdivision regulations is for any reason invalid, such decision shall not affect the validity of the remaining provisions of these regulations and the application of those provisions to any persons or circumstances shall be affected thereby.

- C. **Enforcement** In order to carry out the purposes of these regulations and to assure an orderly program of land development after the effective date of these regulations:
1. No plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission.
 2. No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision, without compliance with the applicable provisions of this ordinance or amendments thereto, shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
 3. No dedication of streets shall by itself be accepted by the city unless the usage of the adjoining affected land is shown; if the purpose of opening the street is to make the affected land available for sale as a subdivision, the street may not be accepted until accompanied by the required plat.
 4. No building permit shall be issued for construction, no utilities shall be extended to serve any structures on a lot unless the lot is part of a subdivision, lot split or large scale development approved by the Planning Commission or the lot existed as recorded in the office of the County Recorder prior to Ordinance No. 70, December 14, 1971.
- D. Penalty Any person, firm or corporation which violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than One Hundred Dollars (\$100.00). Each day that any violation of these regulations is in effect shall constitute a separate offense and be subject to additional fines of a separate offense and be subject to additional fines of One Hundred Dollars (\$100.00) per day.
- E. Amendments On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing the City Council may adopt the amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council.

F. Fees When the developer files an application with the city the following fee shall be paid:

Limited Lot Split	\$100
Corrected Lot Split	\$100

Residential Subdivisions

<u>Preliminary Plat</u>		<u>Final Plat</u>	
<u># of Lots</u>	<u>Fee</u>	<u># of Lots</u>	<u>Fee</u>
1 to 10	\$300	1 to 10	\$300
11 to 25	\$500	11 to 25	\$500
26 to 50	\$1,000	26 to 50	\$1,000
51 to 75	\$1,500	51 to 75	\$1,500
76 to more	\$2,000	76 to more	\$2,000

Commercial Subdivisions

<u>Preliminary Plat</u>		<u>Final Plat</u>	
<u># of Acres</u>	<u>Fee</u>	<u># of Acres</u>	<u>Fees</u>
Less than 3	\$1,500	Less than 3	\$1,500
3 to less than 10	\$3,000	3 to less than 10	\$3,000
10 or more	\$6,000 plus \$1,000 per acre over ten *	10 or more	\$6,000 plus \$1,000 per acre over ten *

*Any portion of an acre shall be rounded up to the next full acre. For example, 10.3 acres shall be rounded to 11 acres thus being charged \$7,000 for preliminary plat review and \$7,000 for final plat review. (Ord. No. 374, Sec. 1.)

CHAPTER 15.08

COMPREHENSIVE DEVELOPMENT PLAN

Sections:

15.08.01 Comprehensive Development Plan

15.08.01 Comprehensive Development Plan Be it hereby ordained by the City Council of the city of West fork, Arkansas, that the comprehensive Development Plan, Future Land Use Map and Master Street Plan as recommended by the Planning Commission of the city of West fork and adopted by unanimous vote of the West Fort City Council at its meeting on June 12, 2007, three copies of which shall be kept in the office of the City Clerk, is hereby adopted and incorporated herein as fully as though set out word for word. (Ord. No. 396, Sec. 1.)

INDEX

	<u>Section</u>	<u>Page</u>
A		
ADOPTION OF STATE LAWS	8.04	82
ALARM, DEVICES	7.44	81.16
AMENDMENTS TO ZONING	13.08	139
ANNEXING, VACATING PROPERTY	14.12	166.3
ANIMALS AND FOWL	TITLE 6	61
ANIMALS, VICIOUS	6.10	68
B		
BOARD OF HEALTH	5.04	49
BUILDING AND STANDARD CODES	11.28	125
BUILDING PERMIT	11.04	113
BUILDINGS AND CONSTRUCTION	TITLE 11	113
BUSINESS LICENSES AND REGULATIONS	TITLE 4	37
C		
CABLE TELEVISION FRANCHISE	4.16	43
CITY AND WARD BOUNDARIES	2.08	11.1
CITY ATTORNEY	2.36	22
CITY CLASSIFICATION	2.04	11
CITY COUNCIL	2.24	20
CLAIMS AGAINST CITY	7.16	73.1
CLASSIFICATION, ADMINISTRATION AND PERSONNEL	TITLE 2	11
CLERK/TREASURER	2.32	22
COMPREHENSIVE DEVELOPMENT PLAN	15.08	184
CONDEMNED STRUCTURES	11.24	123
CURFEW	7.08	72
D		
DISTRICT COURT	2.48	25.5
DOGS	6.04	61
DOG TAGS, VACCINATION & LEASH LAW	6.09	66

E

ELECTRICAL CODE	11.12	117
ELECTRIC FRANCHISE	4.04	37
EMERGENCY SERVICES	2.12.	12
EMERGENCY VEHICLES	8.12	83
EXCAVATIONS AND ALTERATIONS	9.08	91

F

FIRE DEPARTMENT, VOLUNTEER	2.40	23
FIRE PREVENTION CODE	11.16	120
FIRE, UNLAWFUL SETTING	7.25	76.1
FIREWORKS	7.32	78
FISCAL AFFAIRS	TITLE 3	31
FLOOD DAMAGE PREVENTION PROGRAM	14.08	155

G

GAS FRANCHISE	4.08	39
GENERAL PROVISIONS	TITLE 1	1

H

HEALTH AND SANITATION	TITLE 5	49
HEALTH OFFICER	5.08	50
HOUSING CODE	11.20	122

L

LIBRARY	7.48	81.19
LITTERING	5.20	53
LOITERING	7.20	74

M

MAINTENANCE OF PROPERTY	5.12	51
MARSHAL	2.44	25.4
MAYOR	2.28	21

N

NON-OPERATING VEHICLES	8.16	85
NORTHWEST AR RESOURCE RECOVERY AUTHORITY	5.28	56
NORTHWEST AR REGIONAL MOBILITY AUTHORITY	8.20	87

O

OCCUPATIONAL LICENSES	4.24	45
OFFICIALS CONDUCTING BUSINESS WITH CITY	3.08	32
OTHER ANIMALS AND FOWLS	6.08	65
OUTSIDE FIRE SERVICE	7.28	77

P

PARK REGULATIONS	12.08	134
PARKS AND RECREATION	TITLE 12	132
PARKS COMMISSION	12.04	132
PERSONNEL POLICY MANUAL	2.54	26
PLANNING	TITLE 13	138
PLANNING COMMISSION	13.04	138
PLUMBING CODE	11.08	115
POLICE DEPARTMENT	2.42	25.3
PUBLIC PEACE, SAFETY AND MORALS	TITLE 7	71
PUBLIC SAFETY COMMISSION	2.38	22.1
PURCHASES	3.04	31

R

REFERENDUM PETITIONS	1.36	5
RENEWABLE RESOURCE CENTER	5.32	59
RE-ZONING PROPERTY	14.12	166.3

S

SALARIES OF CITY EMPLOYEES	2.52	25.5
SALE OF HARMFUL SUBSTANCES	7.52	81.20
SEPTIC TANKS	5.16	53
SEWER REGULATIONS	10.04	97
SEXUALLY ORIENTED BUSINESSES	7.40	81.11
SIGNS	7.36	79
SOCIAL SECURITY COVERAGE	2.16	18
SOLICITORS	4.28	47

SOLID WASTE COLLECTION	5.24	54
STATE CRIMINAL STATUTES & PENALTIES	7.04	71
STREETS, ALLEYS, GUTTERS OR DITCHES	9.04	91
STREETS AND SIDEWALKS	TITLE 9	91
STREET NAMES	9.09	92
SUBDIVISIONS	TITLE 15	167
SUBDIVISION REGULATIONS	15.04	167
T		
TAX ON PRIVATE CLUBS	4.20	44
TELEPHONE FRANCHISE	4.12	41
TRUCK ROUTES	8.08	82
U		
UNCLAIMED PROPERTY	2.20	19
V		
VEHICLES AND TRAFFIC	TITLE 8	82
VOLATILE COMBUSTIBLES	7.24	76
W		
WATER AND SEWER	TITLE 10	97
WATER AND SEWER RATES	10.08	106
WEAPONS, PROHIBITED	7.12	73
Z		
ZONING	TITLE 14	144
ZONING ORDINANCE	14.04	144