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MOUNTAIN HOME
MUNICIPAL CODE

A Code of the General Ordinances
of the city of Mountain Home, Arkansas

Date of Incorporation

April 16, 1888

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

MOUNTAIN HOME MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor		Carol Howell
City Clerk		Debbie House
City Treasurer		Bonnie Conley
City Attorney		Roger Morgan
Municipal Judge		Van Gearhart
Court Clerk		Linda Shafer
Police Chief		Philip Frame
Fire Chief		Dale Harris
Sewer Superintendent		Don Masner
Parks and Recreation Director		Jackie Leatherman
Code Enforcement Officer		Norris Oxner
Administrative Assistant		Sherry Harris
Aldermen	Jennifer Baker	Opal Banning
	Bill Blevins	Lucille Caton
	Mary James	Harold Marks
	Keith Parks	Lester White

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF MOUNTAIN HOME, 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 MOUNTAIN HOME, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Mountain Home 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 _____, 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 _____ day of _____. All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.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;

(9) Any ordinance enacted after _____.

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 Mountain Home 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 Clerk 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 Clerk, or someone authorized by the City Clerk 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 Mountain Home 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 Mountain Home are not easily and readily 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 Mountain Home 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:

City Clerk

LEGAL NOTICE

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

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Mountain Home Municipal Code are on file in the office of the City Clerk for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the City Council on

_____.

MAYOR

P R E F A C E

The Mountain Home Municipal Code is a codification of the general ordinances of the city of Mountain Home, 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 Mountain Home.

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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Title 1	General Provisions
Title 2	Classification, Administration and Personnel
Title 3	Fiscal Affairs
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Title 8	Vehicles and Traffic
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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 "Mountain Home Municipal Code," and may be so cited.

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

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 Mountain Home, 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 Mountain Home, Arkansas.

County The words "the county" or "this county" shall mean the county of Baxter, 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 Mountain Home, 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 official 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 Mountain Home, 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 Mountain Home, 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

Section:

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.

EFFECT OF REPEAL OF ORDINANCES

Section:

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances.

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

Section:

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 of the City of Mountain Home, Arkansas, that all of 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 or sections of this code.

AMENDMENTS TO CODE

Section:

1.24.01 Amendments to code

1.24.01 Amendments to code.

- A. 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.
- B. 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 Mountain Home Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.
- C. In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the Mountain Home 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.
- D. 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.

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 Mountain Home, 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

Section:

1.32.01 General penalty

1.32.01 General penalty.

Whenever in the Mountain Home Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, 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 (\$500.00) Dollars and if the act is continuous, not more than Two Hundred Fifty (\$250.00) Dollars 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 City Clerk within thirty (30) days after passage of such ordinance.

1.36.02 Notice of Hearing.

Whenever any referendum petition is filed the City Council of the city of Mountain Home, Arkansas, 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 Baxter County, Arkansas, within thirty (30) days to review its action.

1.36.03 City Council calls election.

If the City Council of the city of Mountain Home, Arkansas, 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 therefor has been made by the Council, and said special election shall be had and conducted as general municipal elections held in the city of Mountain Home, Arkansas.

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

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
- 2.28 City Clerk and City Treasurer
- 2.32 City Attorney
- 2.36 Fire Department
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- 2.64 Money Accumulation Pension Plan and Trust
- 2.68 Job Classification and Compensation Plan
- 2.72 Municipal Employees and Officials Doing Business with the City
- 2.76 Standing Committees

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city The city of Mountain Home, Arkansas, shall operate as a city of the first class under the laws of the state of Arkansas.

STATE LAW REFERENCE-See A.C.A. 14-37-105

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

2.08.01 Map of city

2.08.01 Map of city

- A. The boundaries and limits of the city of Mountain Home, Arkansas, and of the various wards shall be:

Ward 1

Beginning at the northeast corner (where U.S. Highway 62 East and the most northeasterly city limit line meet); then go southwest on said highway to First Street, then go east on First Street to Cardinal Drive, then go south on Cardinal Drive to East 4th Street, then go west on East 4th Street to Justin Street, on Sixth Street to Foster Street, then go south on Foster Street to East Seventh Street, then go east on East Seventh Street to Bryant Street, then go south on Bryant Street to State Highway 5 South, then go east on said highway to the city limit line on north side of the highway, then follow the meandering city limit line in a northerly direction back to the point of beginning.

POPULATION 2,243

Ward 2

All of the city limits of the city of Mountain Home, Arkansas, lying north of State Highway 5 North and lying north of U.S. Highway 62 East.

POPULATION 2,337

Ward 3

Beginning at the northwest corner (where State Highway 5 North and the city limit line meet); then go southeast along said highway to 1st Street, then continue east on 1st Street to Cardinal Drive, then go south on Cardinal Drive to East 4th Street, then go west on East 4th Street to Justin Street, then go south on Justin Street to Sixth Street, then go west on Sixth Street to College Street, then go south on College Street to the city limit line, then follow the meandering city limit line back to the point of beginning.

POPULATION 2,202

Ward 4

Beginning at the southwest corner (where State Highway 201 South, also known as College Street, meets the city limit line); then go north on said highway to Sixth Street, then go east on Sixth Street to Foster Street, then go south on Foster Street to East Seventh Street, then go south on Bryant Street to State Highway 5 South, then running southeast on said highway to the city limit line, then following the meandering city limit line (which occasionally touches State Highway 5 South) to the most southern city limit line, then go west following the meandering city limit line back to the point of beginning.

POPULATION 2,245

(Ord. No. 92-014, Sec. 1)

- B. The Council recognizes it is in the best interest of the residents of the city of Mountain Home, Arkansas, that the above change be made so as to provide equal voting wards. (Ord. No. 92-014, Sec. 2)

CHAPTER 2.12

SOCIAL SECURITY COVERAGE

Sections:

- | | |
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| 2.12.01 | Contract |
| 2.12.02 | Withholding taxes from wages |
| 2.12.03 | City to match withholding |

2.12.01 Contract. The Mayor and City Clerk of the city of Mountain Home, Arkansas, 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.

2.12.02 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.

2.12.03 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 2.16

UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

2.16.01 Disposal. The Police Chief, 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

2.16.02 Sale. All unclaimed personal property coming into the hands of the Police Chief 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 of Mountain Home, Arkansas, once each week for three (3) consecutive weeks setting forth in the 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 Police Chief 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.

2.16.03 Proceeds of sale to owner.

The Police Chief shall deposit the receipts 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 the city out of the special account the amount for which the property was sold. The Police Chief 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.

2.16.04 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 2.20

CITY COUNCIL

Sections:

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| 2.20.01 | Council meetings - regular |
| 2.20.02 | Council meetings - special |
| 2.20.03 | Freedom of information procedure |
| 2.20.04 | Order of business |

2.20.01 Council meetings - regular. All regular meetings of the Council shall be held at the Municipal Building on the first and third Thursday of each month.

2.20.02 Council meetings - special.

- A. The Mayor or any three (3) members of the City Council of the city of Mountain Home, Arkansas, may call special meetings upon at least two (2) hours notice. (Ord. No. 472, Sec. 1)
- B. Such notice shall include the time, date and place of the special meeting. The notice shall also include the general purpose of the meeting; however, this does not preclude the City Council from acting on or considering other matters which may appropriately come before the body at such special meeting. (Ord. No. 472, Sec. 2)
- C. Notice of a special meeting given at any regular or special meeting of the City Council shall constitute due notice to the members present. The City Clerk shall be responsible for giving timely notice to absent members, as well as giving public notice, containing the information specified in Section B. (Ord. No. 472, Sec. 3)
- D. Notice of a special meeting of the City Council called by the Mayor at other than a meeting of the City Council shall be accomplished by the Mayor notifying the City Clerk, in writing if time permits, who shall be responsible for notifying each City Council member individually, in writing if time permits, and giving due public notice. (Ord. No. 472, Sec. 4)

- E. Notice of a special meeting of the City Council that is called by at least three (3) members of the City Council shall be accomplished by all three (3) Council members notifying the City Clerk, in writing if time permits. In addition to the information specified in Section B, the notice shall also include the name of each Council member calling the meeting. The City Clerk shall be responsible for notifying the Mayor and each member of the City Council individually, not including the three (3) Council members calling the special meeting, in writing if time permits, and giving due public notice. (Ord. No. 472, Sec. 5)
- F. In order to protect the rights and interests of all city officials concerned and the general public, it is the intent of this body that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum two (2) hours notice should therefore be resorted to only under extreme and unusual circumstances. (Ord. No. 472, Sec. 6)

2.20.03 Freedom of information procedure. All meetings of the City Council of the city of Mountain Home, Arkansas, 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 Baxter County, Arkansas, which have requested to be notified, at least two (2) hours before the special meeting takes place.

2.20.04 Order of business.

- A. 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 2.24

MAYOR

Sections:

2.24.01	Office created
2.24.02	Election
2.24.03	Duties
2.24.04	Appointment of officers
2.24.05	Salary
2.24.06	Public hearings
2.24.07	Maintenance and operation of vehicle

2.24.01 Office created. The office of Mayor is hereby created for the city of Mountain Home, Arkansas.

2.24.02 Election. On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Mountain Home, Arkansas, shall elect a Mayor for four (4) years.

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

2.24.04 Appointment of officers. The Mayor shall appoint, with the approval of the City Council of the city of Mountain Home, Arkansas, (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.

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

2.24.06 Public hearings. Where a public hearing is required by law or is appropriate to determine policy, the Mayor of the city of Mountain Home, Arkansas, shall have the authority to set such public hearing to be held at a regularly scheduled Council Meeting. The notice of the public hearing shall be published as required by law at the direction of the Mayor. (Ord. No. 824, Sec. 1)

2.24.07 Maintenance and operation of vehicle The following guidelines will be followed, effective January 1, 1999, for the efficient operation of the mayor's vehicle:

- A. It will be the obligation of the mayor to annually budget for the cost and expenses, necessary for the operation of the vehicle.
- B. It will be the obligation of the mayor to insure that the vehicle is maintained properly, licensed, insured, and serviced according to the manufactures requirements, all at the expense of the city. Adequate records and receipts shall be obtained and submitted to the city for payment.
- C. Liability insurance for the mayor's vehicle will be obtained by the city, according to the automobile insurance guidelines of the state of Arkansas, and the vehicle will be utilized for official business only.
- D. The mayor's vehicle will not be utilized as an emergency vehicle, and will not be utilized by any other department of the city.
- E. The mayor, by virtue of Arkansas State Statute, has the same police powers as the chief of police, and subject to call out for certain emergency situations within the city. Therefore, the mayor should retain an after-hour custody of the vehicle, should it become necessary to conduct city business.
- F. The mayor's vehicle will not utilized by the mayor for annual vacation or personal leave.
- G. The mayor's vehicle shall be considered as a part of the city's vehicle fleet, and should the mayor option to waive his/her vehicle benefit, the City council shall, by majority vote, reassign the vehicle to another department within the city government, without financial compensation to the mayor for the waiver. 9Ord. No. 97-017.)

CHAPTER 2.28

CITY CLERK AND CITY TREASURER

Sections:

- 2.28.01 Offices separate
- 2.28.02 Compensation
- 2.28.03 Duties
- 2.28.04 Collector

2.28.01 Offices separate.

- A. The office of City Clerk is hereby created for the city of Mountain Home, Arkansas.

- B. As of January 1, 1987, the office of City Clerk will be a separate office. The City Council of the city of Mountain Home, Arkansas, shall appoint an individual to assume the duties of City Treasurer on January 1, 1987. (Ord. No. 838, Sec. 1)

2.28.02 Compensation. The salary of the City Clerk shall be set by the City Council.
STATE LAW REFERENCE-Constitutional Amendment No. 56

2.28.03 Duties. The duties of the City Clerk shall be as may be required by the ordinances of the city or laws of the state.

2.28.04 Collector. The City Clerk shall be the collector of all occupational and privilege taxes, and other taxes for the city. The City Clerk shall keep records on all occupational and other taxes and monies collected.

CHAPTER 2.32

CITY ATTORNEY

Sections:

- | | |
|---------|----------|
| 2.32.01 | Election |
| 2.32.02 | Duties |

2.32.01 Election. The City Attorney of the city of Mountain Home, Arkansas, shall be elected at the November, 1990 General Election and every four (4) years thereafter to a four (4) year term commencing the following January 1.

2.32.02 Duties. It shall be the duty of the City Attorney of the city of Mountain Home, Arkansas, to prosecute all cases in the Municipal 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 2.36

FIRE DEPARTMENT

Sections:

- | | |
|---------|---------------------------------------|
| 2.36.01 | Creation and personnel |
| 2.36.02 | Appointment and removal of Fire Chief |

- 2.36.03 Duties of Fire Chief
- 2.36.04 Compensation for volunteer firefighters
- 2.36.05 Registration of volunteer firefighters

2.36.01 Creation and personnel. The Mountain Home Fire Department is hereby created and shall consist of the following personnel:

One (1) Fire Chief and any number of volunteer firefighters as the Fire Chief shall determine as necessary from time to time.

2.36.02 Appointment and removal of Fire Chief. The Fire Chief shall be appointed by the Mayor unless appointment is disapproved by a two-thirds (2/3) vote of the Council membership. Such Fire Chief shall be subject to removal by the Mayor unless removal is overruled by the City Council of the city of Mountain Home, Arkansas, by a two-thirds (2/3) vote of the Council membership.

2.36.03 Duties of Fire Chief. The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operations of the department. He shall make periodic reports to the City Council of the city of Mountain Home, Arkansas.

2.36.04 Compensation for volunteer firefighters. The volunteer firefighters shall be paid for such services as they render based upon the number of calls answered.

2.36.05 Registration of volunteer firefighters. All volunteer firefighters shall be registered with the Fire Chief and their names, addresses and phone numbers shall be posted in the fire department and also on file with the City Clerk. Such lists shall be kept up to date by the Fire Chief.

CHAPTER 2.40

POLICE DEPARTMENT

Sections:

- 2.40.01 Established
- 2.40.02 Duties of Police Chief

2.40.01 Established. The city of Mountain Home, Arkansas, hereby establishes a police department which shall be known as the "Mountain Home Police Department" and the duties thereof shall be to maintain police protection and police services within the city of Mountain Home, Arkansas. STATE LAW REFERENCE - See A.C.A. 14-52-101, 14-52-104

2.40.02 Duties of Police Chief The Police Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of his department. Other duties shall be such as are fixed by the laws of the state and ordinances of the city.

CHAPTER 2.44

DISTRICT COURT

Sections:

- 2.44.01 District Court established
- 2.44.02 Qualifications and powers of District Judge
- 2.44.03 Court cost fee for Public Defender
- 2.44.04 Retirement Fund fees
- 2.44.05 Incarceration fee
- 2.44.06 Fees for intoxication tests
- 2.44.07 Administration fee
- 2.44.08 Probation costs

2.44.01 District Court established The District Court of the city of Mountain Home, Arkansas, is hereby established for the city of Mountain Home, Arkansas.

2.44.02 Qualifications and powers of District Judge The District Judge shall possess the same qualifications and have the same powers, jurisdiction, functions and duties as is provided by state law for other district judges.

2.44.03 Court cost fee for Public Defender

- A. The city of Mountain Home, Arkansas, does establish a fee of Five Dollars (\$5.00) to be taxed as a court cost in each matter, civil or criminal, filed in the District Court of Baxter County, Arkansas, beginning August 15, 1991, except no additional fee shall be taxed in any action filed in the Small Claims Division of said District Court. (Ord. No. 91-024, Sec. 1)
- B. That said fees so taxed shall be paid into a separate fund to be known as the "Baxter County Public Defender Fund" to be used for the sole purpose of paying reasonable and necessary costs incurred in the defense of indigent persons accused of criminal offenses. (Ord. No. 91-24, Sec. 2)
- C. It is further provided that expenditures from said fund may be made for legal fees, including Public Defender salaries and office expenses, investigative expenses

and such other reasonable and necessary costs as may be incurred in the proper and adequate representation of indigent persons so accused; that expenditures from said fund shall be consistent with and in accordance with the funding of the Public Defender System in Baxter County, as established by the general budget of the Public Defender's office, which shall be set by the Baxter County Quorum Court after considering the recommendations of the Baxter County Public Defender Committee. (Ord. No. 91-24, Sec. 3)

2.44.04 Retirement Fund fees Under authority of A. C. A. 22-919(a), 24-8-303, and 16-17-111, there is hereby levied and shall be collected from each defendant in small claims cases and District Court cases upon the plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt the sum of Twenty Cents (20¢) for small claims cases and the sum of One Dollar (\$1.00) for District Court cases. Said funds shall be used only for the District Judge and Clerks Retirement Fund. (Ord. No. 90-1, Sec. 1)

2.44.05 Incarceration fee

- A. Under the authority of Act 860 of 1983, there is hereby levied and shall be collected from said defendants upon plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt in misdemeanors or traffic violations in the District Court of Mountain Home, Arkansas, the sum of Five Dollars (\$5.00). (Ord. No. 730, Sec. 1)
- B. The monies collected by the levy of this court cost shall be deposited into the District Court Account until monthly settlement is made for court costs and money collected by this levy shall then be deposited into a bank account known as the "Criminal Justice Fund of the city of Mountain Home, Arkansas" and such monies shall be used for reimbursing the county for expenses incurred in incarceration of city prisoners. (Ord. No. 730, Sec. 2)
- C. Under the authority of Arkansas ACA 16-17-129 there is hereby levied an additional Five Dollar (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Mountain Home, Arkansas. (Ord. No. 2000-23, Sec. 1.)
- D. Under the authority of A.C.A. 16-17-129, there is hereby levied an additional Five Dollars (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Mountain Home, Arkansas, bringing the total of said fee to Ten Dollars (\$10.00). (Ord. No. 2009-14, Sec. 1.)
- E. The monies collected by the levy of this fine shall be deposited in the "Mountain Home District Court Account" until monthly settlement is made for court costs and fines. At this time monies collected by the levy of this fine shall be deposited

in the "Criminal Justice Account of the city of Mountain Home, Arkansas."
(Ord. No. 2009-14, Sec. 2.)

- F. All monies collected by the levy of this fine shall be used solely to help defray the cost of incarcerating city of Mountain Home prisoners in the Baxter County Jail. Said fee is subject to increase in accordance with the above referenced statute upon Council approval. (Ord. No. 2009-14, Sec. 3.)

2.44.06 Fees for intoxication tests

- A. Under the authority of Act 175 of 1951, there is hereby levied and shall be collected from each defendant upon the plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt for the offenses of Driving While Intoxicated and/or Public Intoxication, the sums of Five Dollars (\$5.00) and One Dollar (\$1.00), respectively. The said funds shall be used only for the operation and maintenance of the breathalyzer. (Ord. No. 88-4, Sec. 1)
- B. The Mayor and City Council designate Thirty Dollars (\$30.00) from each and every fine levied in the Baxter County District Court against a defendant upon conviction for the offense of Driving While Intoxicated, A.C.A. 5-65-103, Possession of controlled Substance, A.C.A. 5-64-401, Drug paraphernalia, A.C.A. 5-64-403, Possessing Instrument of Crime, A.C.A. 5-73-102, and subsequently paid to the City Treasurer by the District Court, shall be designated for use by the Police Department for the purposes of maintaining and implementing educational programs concerning alcohol abuse, and for the purpose of implementing programs or purchasing equipment to be used toward preventing or reducing the number of driving while intoxicated offenses committed in the city, as well as the enforcement of the Driving While Intoxicated and Drug statutes. (Ord. No. 2006-11, Sec. 1.)
- C. Upon receipt of said fines by the City Treasurer, it is the intent of the Mayor and City Council that the portion of the fine money identified and designated in (B) for use by the Police Department shall be routinely added to the Police Department's budget in a line item designated "DWI & Drug Enforcement Fund." (Ord. No. 2006-11, Sec. 2.)
- D. Ending budget year balances shall be carried forward to the next budget year. (Ord. No. 2006-11, Sec. 3.)

2.44.07 Administration fee Under authority of Act 860 of 1983, there is hereby levied and shall be collected from each defendant upon plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt for misdemeanors or traffic violations in the District Court of Mountain Home, Arkansas, the sum of Three Dollars (\$3.00). The said funds shall only be used for the administration of justice. (Ord. No. 729, Sec. 1)

2.44.08 Probation costs.

- A. Initial Fee. An initial Twenty-Five Dollar (\$25.00) fee will be charged by the Probation Officer at the beginning of the probationary period which includes the first month's administrative costs. (Ord. No. 95-26, Sec. 1)
- B. Monthly Fee. From and after the effective date of this section, an administrative cost of Fifteen Dollars (\$15.00) per month shall be imposed on each probationer who is placed on probation by Mountain Home District Court. (Ord. No. 95-26, Sec. 2)
- C. Collection and Deposit. The amounts levied under subsections 1 and 2 of this section will be collected by the Mountain Home District Court Probation Officer and remitted to the City Treasurer. Administrative costs collected by the Probation Officer shall be deposited in the City General Fund and reported under a specific revenue category of District Court Probation Administrative Costs. (Ord. No. 95-26, Sec. 3)
- D. Separate and Distinct Cost. The administrative cost hereby established shall be a separate and distinct court cost associated with the expense of the Probation Department, and shall be levied as an additional Fifteen Dollars (\$15.00) per month for all individuals placed on supervised probation.(Ord. No. 95-26, Sec.4)
- E. Waiver of cost. The initial fee and Fifteen Dollar (\$15.00) monthly administrative cost herein established may be waived by the Probation Officer in conjunction with a court approved policy in those instances where severe financial hardship exists. (Ord. No. 95-26, Sec. 5)

CHAPTER 2.48**PERSONNEL POLICIES**Sections:

- 2.48.01 Adopted
- 2.48.02 Previous policies repealed
- 2.48.03 Amendments

2.48.01 Adopted The proposed Personnel Policy Handbook of the city of Mountain Home, dated August 17, 2006 is hereby adopted. (Ord. No. 06-16, Sec. 1.)

2.48.02 Previous policies repealed All previous Personnel Policies are hereby repealed.
(Ord. No. 06-16, Sec. 2.)

2.48.03 Amendments Under Section V. Standards of Conduct of the Personnel Policy Handbook, the entire section under Disciplinary and Termination Procedures shall be deleted and replaced with the attached, identified as Exhibit A. (Ord. No. 2007-32, Sec. 1.)

CHAPTER 2.52

POLICY FOR A DRUG-FREE WORKPLACE

Sections:

2.52.01	Purpose of policy
2.52.02	Policy statement
2.52.03	Safety and security-sensitive positions defined
2.52.04	Drug-free awareness program; education and training
2.52.05	Prohibited substances; legal drugs; unauthorized items
2.52.06	Use of alcohol and drugs; prohibited conduct
2.52.07	When drug and alcohol testing may be required of all employees
2.52.08	Employees holding safety and security-sensitive positions
2.52.09	Disciplinary action
2.52.10	Employment status pending receipt of test results

2.52.01 Purpose of policy The city of Mountain Home has a vital interest in providing for the safety and well-being of all employees and the public, and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the city is committed to the maintenance of a drug and alcohol free workplace.

The city and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the city has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the city has adopted the following Drug-Free workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation.

2.52.02 Policy statement

- A. All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the

employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on city property, in city vehicles, during breaks or at lunch.

- B. The city reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

2.52.03 Safety and security-sensitive positions defined

- A. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
 1. Law enforcement officers who carry firearms and jailers.
 2. Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
 3. Fire department employees who directly participate in fire-fighting activities.
 4. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
 5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
 6. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.

B. A security sensitive position includes:

1. Any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
2. The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

2.52.04 Drug-free awareness program; education and training The city will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The city will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The city's Drug-Free Awareness Program will inform employees about:

- A. the dangers of drug and alcohol abuse in the workplace;
- B. the city's policy of maintaining a drug and alcohol free workplace;
- C. the availability of drug and alcohol treatment, counseling and rehabilitation programs;
- D. the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As a part of the Drug-Free Awareness Program, the city shall provide educational materials that explain the city's policies and procedures. Employees shall be provided with information concerning the effect of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

2.52.05 Prohibited substances; legal drugs; unauthorized items

Prohibited Substances Alcoholic beverages and rugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term “drugs” includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S. C. 812, and the regulations promulgated there under, and defined in the Uniform Controlled Substances Act, A.C.A. 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee’s physician.

Legal Drugs The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

Unauthorized Items Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

2.52.06 Use of alcohol and drugs; prohibited conduct All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- A. Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- B. Employees shall not consume alcohol while on duty.
- C. Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- D. Employees shall submit to all authorized drug or alcohol test.
- E. Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties. In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee’s next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety or security sensitive functions.

2.52.07 When drug and alcohol testing may be required of all employees Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

- A. When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.
- B. As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination.
- C. When the city management has a reasonable suspicion based on observations or credible information submitted to the city, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- D. When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- E. When any prohibited drug or alcoholic beverage, is found in an employee's possession.
- F. When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

2.52.08 Employees holding safety and security-sensitive positions Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- A. When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- B. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Step to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League.

2.52.09 Disciplinary action

- A. Employees may be subject to disciplinary action, upto and including discharge, for any of the following infractions:
 - 1. Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
 - 2. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch.
 - 3. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on city property, in city vehicles, during breaks or at lunch.
 - 4. Any criminal drug statute conviction and/or failure to notify the city of such conviction within five (5) days.

5. Refusal to cooperate in a search.
6. Having an alcohol concentration of .04% or greater in any authorized alcohol test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the city reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

2.52.10 Employment status pending receipt of test results In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the city reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

CHAPTER 2.56

HOUSING AUTHORITY

Sections:

2.56.01 Authorized

2.56.01 Authorized. Northwest Regional Housing Authority is hereby authorized to exercise its powers within the territorial boundaries of the city of Mountain Home, Arkansas. (Ord. No. 87-010)

CHAPTER 2.60

PUBLIC FACILITIES BOARD

Sections:

2.60.01	Authorized
2.60.02	Creation
2.60.03	Membership
2.60.04	Powers
2.60.05	Officers
2.60.06	Meetings
2.60.07	Removal of members
2.60.08	Severability

2.60.01 Authorized. The City Council of the city of Mountain Home, Arkansas, finds that the city is authorized by the provisions of the Act (A.C.A. §§ 14-137-101 - 123) to create a Public Facilities Board, and it is in the best interest of the city and its citizens and residents to do so. (Ord. No. 95-001, Section 1)

2.60.02 Creation.

- A. In accordance with and pursuant to the authority conferred by the provisions of the Act (A.C.A. §§ 14-137-101 - 123) there is hereby created and established a Public Facilities Board (hereinafter referred to as the “Board”) with the authority provided in the Act (A.C.A. §§ 14-137-101 - 123), as set forth in Section 2.56.01. (Ord. No. 95-001, Section 2)
- B. The name of the board shall be the “city of Mountain Home, Arkansas Public Facilities Board.” (Ord. No. 95-001, Section 3)

2.60.03 Membership.

- A. The initial members of the Public Facilities Board shall be appointed by the Mayor as soon as practicable after the adoption of this chapter with the members being approved by a majority vote of the City Council. (Ord. No. 95-001, Section 4)
- B. Notwithstanding the limitation on the terms of members hereby appointed to the Public Facilities Board, each such member and each member hereafter elected to

fill vacancies, shall serve until his or her successor is elected and qualified. A member of the Board shall be eligible to succeed himself or herself. The members of the Board must be residents of the city of Mountain Home, and as soon as practicable after their appointment, each member of the Board shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Act (A.C.A. §§ 14-137-101 - 123). (Ord. No. 95-001, Section 4)

2.60.04 Powers.

- A. That the Public Facilities Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of any and all facilities authorized by the Act (A.C.A. §§ 14-137-101 - 123) or any interest in such facilities, including, without limitation, leasehold interests and mortgages on such facilities as shall be determined by the Board to be necessary to effect the purposes of this chapter. The Board is specifically given all of the authority which may be granted to public facilities boards pursuant to the Act (A.C.A. §§ 14-137-101 - 123). (Ord. No. 95-001, Section 5)

- B. That the Public Facilities Board is authorized to issue revenue bonds from time to time and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created. Such revenue bonds shall be obligations only of the Public Facilities Board and shall not constitute an indebtedness for which the faith and credit of the city of Mountain Home or any of its revenues are pledged, and the principal of and interest on the bonds may be payable from and secured by a pledge of revenues derived from the public facilities project acquired, constructed, reconstructed, equipped, extended, or improved, in whole or in part, with the proceeds of the bonds, together with such other collateral as may properly be pledged under the Act (A.C.A. §§ 14-137-101 - 123) and as the Board in its discretion may determine. The aggregate principal amount of any revenue bond issued pursuant to the authority granted by this section and by the Act (A.C.A. §§ 14-137-101 - 123) shall be determined by the Board in its discretion; provided, however, each issuance of such revenue bonds shall be approved by resolution of the City Council of the city of Mountain Home. (Ord. No. 95-001, Section 6)

- C. The Public Facilities Board shall have all of the powers provided in the Act (A.C.A §§ 14-137-101 - 123), subject to the provisions of this chapter, and shall carry out its duties in accordance with the Act (A.C.A. §§ 14-137-101 - 123), including specifically, but without limitation, the filing of the annual report of the City Council of the city of Mountain Home as required by Section 14-137-123 of the Act. (Ord. No. 95-001, Section 7)

2.60.05 Officers

- A. As soon as practicable after the members of the Public Facilities Board are appointed, they shall meet and organize by electing one of the their number as a chairman, one as a vice-chairman, one as a secretary, and one as a treasurer, and such officer shall be elected annually for terms of one year thereafter in like manner. (Ord. No. 95-1, Section 8)
- B. The duties of secretary and treasurer may be performed by the same member. (Ord No. 95-1, Section 8)
- C. The Board may, at its option, designate an executive director who shall not be a member of the Board and who shall serve at the pleasure of the Board with such compensation as shall be fixed by the Board, from time to time. (Ord. No. 95-1, Section 8)
- D. The members of the Board shall receive no compensation for their services, but shall be entitled to reimbursement for expenses incurred in the performance of their duties. (Ord. No. 95-1, Section 8)

2.60.06 Meetings That the Public Facilities Board shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in its by-laws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by a resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board. The secretary shall keep a record of the proceedings of the Board and shall be the custodian of its books, documents and papers and of the minute book or journal of the Board and its official seal if any shall be adopted. The secretary may cause copies of all minutes and other records and documents of the Board to be made and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 95-1, Section 9)

2.69.07 Removal That any member of the Public Facilities Board may be removed from misfeasance, malfeasance or willful neglect of duty, by the Mayor of the city of Mountain Home, after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal.

2.60.08 Severability If any provision of this chapter shall for any reason be held illegal or invalid, the invalidity of such provision shall not affect the validity of the remaining provisions of this chapter.

CHAPTER 2.64

MONEY ACCUMULATION PENSION PLAN AND TRUST

Sections:

2.64.01 Plan Administrative Committee

2.64.01 Plan Administrative Committee The Plan Administrative Committee of the Plan is hereby appointed to serve as the Board of Trustees of the Plan and the provisions of the Plan regarding resignation, removal, and appointment of vacancies regarding the Plan Administrative committee shall also govern the Board of Trustees. (Ord. No. 2002-25, Sec. 1.)

CHAPTER 2.68

JOB CLASSIFICATION AND COMPENSATION PLAN

Sections:

2.68.01 Plan amended to include Grade 39
 2.68.02 Plan amended to include Police Department position
 2.68.03 Plan amended to include Fire Department Wage Scale
 2.68.04 Plan amended to include the Organizational Structure
 2.68.05 Plan amended designating salaries; adding engineer position
 2.68.06 Plan amended to include new position and seasonal employees
 2.68.07 Plan amended changing position of engineer; adding draftsman
 2.68.08 Plan amended changing grade of Administrative Assistant
 2.68.09 Plan amended changing classifications

2.68.01 Plan amended to include Grade 39 The Job Classification and Compensation Plan of the city of Mountain Home, dated July 1996, is hereby amended to include Grade 39 which shall include the Street Superintendent, Water and Sewer Superintendent, Police Chief and Fire Chief. The inclusion of the department heads within has been determined by the following criteria:

- A. Level of responsibility during city emergency – public health, safety and welfare
- B. Number of employees supervised
- C. Responsibility of high cost equipment
- D. Size of budget responsibility
- E. On-call schedule (24 hours/day – 365 day/year)

- F. Level of public contact (public relations)
- G. Job specific years of experience

The Job Classification and Compensation Plan shall be policy of the city of Mountain Home to use the above stated criteria to determine present or future placement in Grade 39. (Ord. No. 2001-4, Secs. 1-2.)

2.68.02 Plan amended to include Police Department position The Job Classification and Compensation Plan of the city of Mountain Home, dated July 1996, is hereby amended to include a corporal position in Grade 11 of the Police Department. The newly created position will require a sergeant to be moved to a Class 12 and a lieutenant will be moved to a Class 13. These changes have been determined by the following:

- A. Increased supervision needs to address liability issues.
 - B. Increased supervision needs to address personnel issues.
 - C. Increased level of responsibility for high cost equipment.
- (Ord. No. 2002-9, Sec. 1.)

2.68.03 Plan amended to include Fire Department Wage Scale

- A. The Job Classification and Compensation Plan is hereby amended to include the Fire Department Wage Scale 2002, "Example A."
- B. Increase the maximum pay of the current Wage Scale 2002, Grade 2-6 by \$1.00 in two additional steps and increase Grade 7 by \$.50 in one step.
- C. Position classification Table II shall be created for Seasonal/Part-time positions. However, those positions listed shall follow the current year "Wage Scale" as it applies to the specific Seasonal/Part-time Grades. (Ord. No. 2002-27, Secs. 1-3.)

2.68.04 Plan amended to include the Organizational Structure The Job Classification and Compensation Plan of the city of Mountain Home, dated July 1996, is hereby amended to include the Organizational Structure. Changes reflected in "Exhibit A" attached hereto dated February 6, 2003, and as follows:

- A. The six senior positions shall be directors rather than superintendents.
- B. Director Parks Services will be classified as Grade 39.
- C. Director of Youth Center will be changed to Manager of Youth Center.
- D. Director of Administration will be a newly created position classified as Grade 39.

- E. Other staff and supervisor positions remain unchanged with no reductions in pay. (Ord. No. 2003-5, Sec. 1.)

2.68.05 Plan amended designating salaries; adding engineer position

- A. The Job Classification and Compensation Plan of the city of Mountain Home is hereby amended to include the following change: Grade 37 will be added in the Position Classification Table and the position of Engineer will be placed in this grade. (Ord. No. 2003-37, Sec. 1.)
- B. The Job Classification and Compensation Plan of the city of Mountain Home is hereby amended to change the classification of Engineer from Grade 37 to Grade 39, as a Director, in the Position Classification Table. This change has been determined by the following:
 - 1. In 2003 it was the Council's desire to eventually merge the Engineer with the Building Inspection Department.
 - 2. Level of responsibility of Engineer to review of all subdivision, building plans and other engineering projects.
 - 3. Communications between the Engineer, Building Inspection Department and all other city departments.
 - 4. The efficiency of the city in providing quality services for the citizens. (Ord. No. 2004-14, Sec. 1.)

2.68.06 Plan amended to include new position and seasonal employees

- A. The Job Classification and Compensation Plan is hereby amended to include a newly created position of Program Coordinator in Grade 10 of the Position Classifications Table 4. (Exhibit A)
- B. The Job Classification and Compensation Plan is hereby amended to include Position Classification Table II and Wage Scale for part-time/seasonal positions. (Exhibit B)
- C. The Position Classification Table 4 shall be used for full-time positions only.
- D. The administration and all departments are hereby directed to adhere to the part-time/seasonal plan and scale in all hiring and employee practices. (Ord. No. 2004-4, Secs. 1-4.)

2.68.07 Plan amended changing position of engineer; adding draftsman It is in the economic interest of the city of Mountain Home to amend the Job Classification and Compensation Plan as it relates to the following:

- A. The classification of Engineer will be moved from Grade 39 to Grade 37 in the Position Classification Table.
- B. The position of Engineer will be separated from the Building Inspection Department.
- C. The position of CAD Draftsman will be added in the Position Classification Table as a Grade 14. (Ord. No. 2007-31, Sec. 1.)

2.68.08 Plan amended changing grade of Administrative Assistant The classification of Administrative Assistant to the Mayor will be moved from Grade 16 to Grade 18 in the Position Classification Table. (Ord. No. 2008-37, Sec. 1.)

2.68.09 Plan amended changing classifications

- A. The classification of Clerk/Receptionist shall be added to Table II Position Classification part-time/seasonal under Grade 2 as noted on Attached Exhibit A.
- B. The classification of Code Enforcement Officer shall be added to Table II Position Classification part-time/seasonal under Grade 5 as noted on attached Exhibit A.
- C. Remove the classification of Parking Authority in Table 4 Position Classifications in Grade 6 as noted on attached Exhibit B. (Ord. No. 2009-12, Sec. 1.)
- D. The classification of Administrative Clerk shall be added to Table 4 Position Classifications in Grade 8 as noted on attached Exhibit A.
- E. The classification of Chief Deputy Court Clerk shall be added to Table 4 Position Classifications in Grade 12 as noted on attached Exhibit A. (Ord. No. 2009-17, Sec. 1.)

CHAPTER 2.72

MUNICIPAL EMPLOYEES AND OFFICIALS DOING BUSINESS WITH
THE CITY

Sections:

2.72.01 Authorization

2.72.01 Authorization The City Council of the city of Mountain Home, Arkansas, hereby authorizes the individuals reflected on Exhibit "A" attached hereto to conduct business with the city of Mountain Home, Arkansas, and further defines the extent of authority as that shown on Exhibit "A." (Ord. No. 2009-15, Sec. 1.)

CHAPTER 2.76

STANDING COMMITTEES

Sections:

2.76.01	Committees
2.76.02	Members
2.76.03	Terms
2.76.04	Survey
2.76.05	Serving
2.76.06	Chairpersons
2.76.07	Purpose

2.76.01 Committees The city of Mountain Home hereby designates and formulates the following committees of the city of Mountain Home, Arkansas, to serve as standing committees of the city, to wit:

- A. The Street Committee
 - B. The Water & Wastewater Committee
 - C. The Parks and Recreation Committee
 - D. The Public Safety Committee, and
 - E. The Personnel Committee (stand-by)
 - F. Short-term Ad Hoc Committees will be appointed as requested.
- (Ord. No. 2009-1, Sec. 1.)

2.76.02 Members Each of the standing committees shall consist of a minimum of three (3) Council members, with the Mayor and Department Director serving as ex-officio members of each committee. All standing committees shall meet a minimum of at least once per month, and shall report monthly to the Mayor and City Council during a regular Council meeting. The Personnel Committee shall meet only on an “as needed” basis as circumstances may dictate. (Ord. No. 2009-1, Sec. 2.)

2.76.03 Terms Committee membership shall be for a term of two (2) years, with membership being voted upon during the month of January, in the odd numbered year, immediately following the Council members election to the Mountain Home City Council. (Ord. No. 2009-1, Sec. 3.)

2.76.04 Survey The membership of each committee shall be determined by a majority vote of the City Council from a list of City Council members nominated at large for committee membership by the Council. Attached hereto as Exhibit “A” is a City Council Committee Survey, which shall be filled by each Council member and turned in to the City Clerk. City

Clerk shall include copies of all completed surveys to the City Council for nomination consideration and vote during the month of January at either a regular or special Council meeting called for the purpose of electing committees. All nominations shall, to as full extent as possible, consider the desires and qualifications of Council members on specific committees as stated on Exhibit "A." Should a vacancy occur on any committee, then the newly elected, or appointed, City Council member shall fill the committee member vacancy created by their predecessor. (Ord. No. 2009-1, Sec. 4.)

2.76.05 Serving No Council member shall serve on more than three (3) standing committees at one time. (Ord. No. 2009-1, Sec. 5.)

2.76.06 Chairpersons The determination of chairpersons on the various committees will be by a vote of the members of the committee, which shall occur at the first meeting of their newly elected term. (Ord. No. 2009-1, Sec. 6.)

2.76.07 Purpose The purpose of this ordinance is to further the best interest of the city by promoting structure and continuity of its committees. Also, that the purpose of the committees formed by this ordinance shall be to aid and advise the City Council in making decisions that are in the best interest of the city of Mountain Home. Nothing contained herein shall be construed as abrogating any power and authority held by the City Council and/or Mayor under existing state law. (Ord. No. 2009-1, Sec. 7.)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Sales and Use Tax
- 3.12 Financial Accounts

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 \$20,000.00 or under
- 3.04.02 Over \$20,000.00
- 3.04.03 Approval of payments
- 3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00

3.04.01 \$20,000.00 or under 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 for public purposes for the city of Mountain Home, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of Twenty Thousand Dollars (\$20,000.00). (Ord. No. 2009-4, Sec. 1.)

3.04.02 Over \$20,000.00 Where the amount of expenditure for any purchase or contract exceeds the sum of Twenty Thousand Dollars (\$20,000.00), 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. (Ord. No. 2009-4, Sec. 2.)

3.04.03 Approval of payments. 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.

3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00. 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 Five Thousand Dollars (\$5,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Thousand Dollars (\$5,000.00); 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 Five Thousand Dollars (\$5,000.00), the same may be sold by the Mayor without competitive bidding.

CHAPTER 3.08

SALES AND USE TAX

Sections:

- 3.08.01 Levy of sales and use tax
- 3.08.02 Effective dates
- 3.08.03 Rebate
- 3.08.04 Defining single transaction

3.08.01 Levy of sales and use tax. There is hereby levied a local sales (gross receipts) and use tax at the rate of one percent (1%) of the receipts from the sale at retail within the city of Mountain Home, Arkansas, of all items which are subject to taxation under the Arkansas Gross Receipts Tax Act of 1941, Act 386 of the 1941 Acts of Arkansas, as said Act has been heretofore or may be hereinafter amended, and under the Arkansas Compensating Tax Act of 1949, Act 487 of the 1949 Acts of Arkansas, as said Act has been heretofore amended, and by Act 990 of 1975 as amended by Act 133 of 1981. (Ord. No. 646, Sec. 2)

3.08.02 Effective dates. The effective dates of the various provisions of this chapter shall be those effective dates established in Section 2 of Act 990 of the 1975 Acts of Arkansas (Ark. Stat. Ann. Section 19-4514(e) (Repl 1980), as amended. (Ord. No. 646, Sec. 6)

3.08.03 Rebate. As authorized by statute, the city of Mountain Home, Arkansas, shall rebate, on an individual claim basis, taxes paid to the city pursuant to this ordinance which amount to more than Twenty-Five Dollars (\$25.00) as paid on a single transaction which exceeds Twenty-Five Hundred Dollars (\$2,500.00). (Ord. No. 646, Sec. 8)

3.08.04 Defining single transaction. The term "single transaction" for the purpose of the local sales and use tax, shall be defined according to the nature of the goods purchased, as follows:

- A. When two (2) or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles, and mobile homes, or sold by a person or by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the local sales tax.

- B. The charges for utility services, which are subject to the taxes levied under this chapter and which are furnished as a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purpose of the local sales tax, shall be computed in daily increments and each such daily charge increment shall be considered to be a single transaction for the purposes of the local sales tax.

- C. For sales of building materials and certain supplies to contractors, builders or other persons for the construction of any single family residential structure, the erection of which requires the issuance of a building permit from the city of Mountain Home, a single transaction shall be considered the completed structure. The sales tax imposed by said ordinance as amended shall be levied based upon the final cost of the materials purchased to build said structure rather than upon the incremental sales of materials used in said construction. Only actual building material for which a city of Mountain Home sales tax was paid upon are allowed. Tools, paint brushes, blinds, light bulbs, equipment and rentals, grass seed or any lawn/landscape items, watering systems, shrubs, trees, top soil, mail boxes or mail box post, fencing, sandpaper, thinner, masking tape, satellite dish, smoke detector, alarm systems, washers, dryers, refrigerators, freezers or like appliances are not considered actually building material and will not be eligible for rebate. Legible, original invoices and a copy of each must be submitted to the City Clerk showing price paid and sales tax paid, the name and address of the business where purchase was made and the address and or lot number of the new structure. Original invoices will be returned and the city of Mountain Home will retain copies. Not more than one rebate per residence shall be paid and rebate requests must be submitted within six (6) months of completion of the structure. Completion shall be deemed to be the date upon which the single-family residential structure shall have been reported to the County Tax Assessor as complete. No receipt or invoice bearing a date of more than one year previous to that date of completion shall be eligible for a rebate. (Ord. No. 0-1-06, Sec. 1.)

- D. When two (2) or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purpose of the local sales tax.

- E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state. (Ord. No. 725, Sec. 1)

CHAPTER 3.12

FINANCIAL ACCOUNTS

Sections:

3.12.01 Records

3.12.01 Records Than any and all funds of any sort whatsoever of the city of Mountain Home, Arkansas, shall be reflected on the records and financial accounts of the city of Mountain Home, Arkansas. No elected official, department head or other employee of the city of Mountain Home, Arkansas shall keep, sequester or otherwise maintain any account or monies without said account or monies being reflected on the records and financial accounts of the city. (Ord. No. 02-19, Sec. 1.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise; AP&L
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Tax on Private Clubs
- 4.20 Taxi Franchise
- 4.24 Electric Franchise; North Arkansas Electric Cooperative
- 4.28 Occupational License
- 4.32 Marketplace Regulation
- 4.36 Cable Television
- 4.40 Police Alarm Systems
- 4.44 Itinerant and Roadside Sales
- 4.48 Alcoholic Beverages
- 4.52 Garage Sales
- 4.56 Farmers' Market

CHAPTER 4.04

ELECTRIC FRANCHISE; AP&L

Sections:

- 4.04.01 Electric franchise granted to Arkansas Power and Light Company
- 4.04.02 Rights and responsibilities of Grantor and Grantee
- 4.04.03 Termination procedure
- 4.04.04 Rates
- 4.04.05 City not liable for negligence of Grantee
- 4.04.06 Standards of care for facilities
- 4.04.07 Franchise tax
- 4.04.08 Street lighting
- 4.04.09 Private generation facilities allowed

4.04.01 Electric franchise granted to Arkansas Power and Light Company The city of Mountain Home, Arkansas, (hereinafter called Grantor), hereby grants to the Arkansas Power and Light Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the

corporate limits of the city of Mountain Home, Arkansas, except for such area within the present corporate limits, which at the date of enactment hereof is served by another supplier of electric energy, and except for such other areas which may be later annexed, where Grantee is not allowed by law to serve (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 191, Sec. 1)

4.04.02 Rights and responsibilities of Grantor and Grantee

- A. Service; Protection Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 191, Sec. 2)
- B. Public Right-of-Ways All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 191, Sec. 3)
- C. Removal of Hazards; Interference The Grantee, its successors and assigns, is hereby given the right to trim, cut and/or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, and further, Grantee is hereby given the right, authority and permission to

trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 191, Sec. 4)

4.04.03 Termination procedure. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 191, Sec. 5)

4.04.04 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 191, Sec. 6)

4.04.05 City not liable for negligence of Grantee. In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 191, Sec. 7)

4.04.06 Standard of care for facilities. The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 191, Sec. 8)

4.04.07 Franchise tax.

- A. Beginning in 1966, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year, a franchise tax in an amount equal to: Four and twenty-five hundredths percent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Mountain Home, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in January, 1966. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Mountain Home, Arkansas,

upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

- B. It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.04.07 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electrical revenues shall immediately terminate. (Ord. No. 191, Sec. 9)

4.04.08 Street lighting. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 191, Sec. 10)

4.04.09 Private generation facilities allowed. Nothing contained herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 191, Sec. 11)

CHAPTER 4.08

GAS FRANCHISE

Sections:

4.08.01	Gas franchise granted to ArkansasWestern Gas
4.08.02	Rights and responsibilities of Gas Company and city
4.08.03	Franchise tax
4.08.04	City's rights unabridged
4.08.05	Danger signals
4.08.06	City indemnified
4.08.07	Service to applicants
4.08.08	Written agreement

4.08.09	Service lines
4.08.10	Grantee's conditions
4.08.11	Company information
4.08.12	Construction, ownership
4.08.13	Franchise in force
4.08.14	Distribution of gas
4.08.15	Recorded charges
4.08.16	Construction of chapter

4.08.01 Gas franchise granted to Arkansas Western Gas. That the city of Mountain Home, Arkansas, (hereinafter called Grantor) subject to the terms, conditions and stipulations mentioned in this ordinance, consents and the right, permission, and franchise is hereby given to the Arkansas Western Gas Company, (hereinafter called Grantee) a corporation, organized and existing pursuant to the laws of the State of Arkansas, and its successors, lessees and assigns to lay, construct, equip, operate, repair and maintain a system of gas mains, pipes, conduits and feeders for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purpose to the residents or inhabitants of the said city, and further, the right to lay, construct, operate and maintain a system of gas mains, pipe lines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting or distributing natural gas from any point beyond said city limits in order to enable the said Grantee to distribute and sell natural gas to the said city and to the residents or inhabitants thereof, and to others. (Ord. No. 189, Sec. 1)

4.08.02 Rights and responsibilities of Gas Company and city. The Grantee herein is expressly given the permit (subject to the proviso hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipe lines, conduits and feeders, and the necessary attachments, fixtures, connections and appurtenances for the purpose of conveying or conducting natural gas from any point within the said city or to any point beyond the city limits of the said city or to any other point, through and beyond the city limits of said city, and to operate and maintain a system of pipe lines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said city to serve the said city and the residents and inhabitants thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the city shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets. (Ord. No. 189, Sec. 2)

4.08.03 Franchise tax. The amount of occupational license or franchise tax to be paid by the Gas Company for the year 1980, and subsequent years, until changed by ordinance, shall be determined and computed as follows:

Franchise Rate.

- A. Arkansas Western Gas shall pay in consideration of the grant of this permit, privileges and authority, to the city as a tax or fee and as compensation for the right and privileges enjoyed, a sum equal to four percent (4%), payable quarterly, of the gross revenues received from customers within the corporate limits of the city. (Ord. No. 593, Sec. 1)
- B. Payment. Arkansas Western Gas shall pay the fees provided for in the aforementioned paragraph within thirty (30) days after the end of each calendar quarter. (Ord. No. 593, Sec. 2)
- C. Exemption. The city hereby exempts, relieves and discharges Arkansas Western Gas from the payment of all municipal occupational, meter, and license taxes of any other character whatsoever, except ad valorem tax imposed by the city in lieu of the fees and levy provided for herein. (Ord. No. 593, Sec. 2)
- D. Effective Date. The effective date of this chapter shall be April 1, 1980. (Ord. No. 593, Sec. 4)
- E. Definitions. The following terms, words and phrases, as used in this ordinance, shall have the following meanings, unless the context hereof clearly requires otherwise, and the singular shall include the plural and vice-versa, and the masculine shall include the feminine and vice-versa.
 - 1. **City.** the term "city" as used in this chapter, shall mean the city of Mountain Home, Arkansas.
 - 2. **Arkansas Western Gas.** The term "Arkansas Western Gas" as used in this chapter, shall mean Arkansas Western Gas Company, P. O. Drawer I, 15 West 6th Street, Mountain Home, Arkansas. (Ord. No. 593, Sec. 7)

4.08.04 City's right unabridged. Nothing in this franchise shall be construed in such a manner as to in any manner abridge the right of the city to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said city and their property and the property of the Grantee. (Ord. No. 189, Sec. 3)

4.08.05 Danger signals. Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions and shall keep sufficient space in good condition for the travel of vehicles on at least one (1) side of all excavations and obstructions, and shall, as soon as practicable, restore all openings on the highway, road, street, avenue, alley and other public places to a condition equally as good as before said openings and obstructions were made. (Ord. No. 189, Sec. 3)

4.08.06 City indemnified. The Grantee shall do no injury to any highway, road, street, avenue, alley, lane, bridge, stream or watercourse, park or public place, nor in any manner disturb or interfere unnecessarily with electric lines, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the said city or by any authorized person or corporation, but no electric conduits or sewer or water pipes shall be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electric conduits, sewer or water pipes. The Grantee shall fully indemnify and save harmless the city from any and all claims for damages for which said city shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said Grantee or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes. (Ord. No. 189, Sec. 4)

4.08.07 Service to applicants. The Grantee shall supply natural gas under the terms and conditions herein specified to all applicants not in arrears for any bills for natural gas, service, pipes, appliances or other things, owning or occupying premises on or abutting the streets, avenues or other public places in which such gas mains or conduits are laid. (Ord. No. 189, Sec. 5)

4.08.08 Written agreement. The Grantee shall have the right to make and enforce a written agreement with all applicants for natural gas and the rate to be charged for natural gas, according to the terms and conditions hereof, the fixing of the minimum monthly bill and service meter moving charge, and specifying an immediate deposit, and fixing the terms and conditions upon which natural gas is to be served the individual applicant, shall be determined by such contract. Such contracts are to conform with the state laws and regulations governing same. (Ord. No. 189, Sec. 6)

4.08.09 Service lines. The Grantee shall lay its service pipes from its main pipes to the curb line and/or the consumer's outer property line at its own expense from the meter on. The consumer shall have the right to select his own gas fitter to lay his pipes and install his fixtures, at the consumer's risk and expense. Grantee shall extend its mains to serve new customers where reasonably assured of enough new customers and revenues therefrom to justify the expenditures necessary to give service. (Ord. No. 189, Sec. 7)

4.08.10 Grantee's conditions. The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise. (Ord. No. 189, Sec. 7)

4.08.11 Company information. The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, mains, conduits or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highways, streets, avenues, or public grounds of said city which they may demand. Whenever the word "Grantee" occurs in this ordinance, it shall mean and it shall be understood to be the Arkansas Western Gas Company, its

successors, lessees or assigns, and whenever the words "authorities" or "proper authorities" occur in this franchise, they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the city of Mountain Home, Arkansas, or Grantor. (Ord. No. 189, Sec. 8)

4.08.12 Construction, ownership. It is contemplated that the city of Mountain Home, Arkansas, will construct a natural gas system to make natural gas available to the city and the Grantee will take over operation of the system under a lease with an option to purchase. The city of Mountain Home recognizes that, considering various business factors, including the substantial commitment of the Grantee and the present and anticipated circumstances with respect to Grantee's gas rates in the city in relation to competing fuels in the area, the operation of the gas system by Grantee under the lease-purchase agreement can only be economically justified if there is assurance that there will not be an increase in taxes, if any, which Grantee will consider in reaching its decision whether to operate the system under the lease-purchase agreement. (Ord. No. 189, Sec. 9)

4.08.13 Franchise in force. This franchise shall take effect and remain in force perpetually as provided in Section 44 of Acts of 1935, No. 324, Acts of the State of Arkansas, as same may be amended from time to time, and upon the written acceptance by the Grantee of the terms and conditions of this franchise. (Ord. No. 189, Sec. 10)

4.08.14 Distribution of gas. Be it further ordained that the Arkansas Western Gas Company, Grantee, its successors, lessees and assigns shall have twelve (12) months from the final passage and publication of this ordinance, and not longer, in which to begin the actual laying of pipe lines and laterals for the distribution of natural gas in said city. A failure on the part of the Arkansas Western Gas Company, Grantee, its successors, lessees or assigns, to comply with the foregoing provisions of this section as to the time in which to begin the work shall render null and void this ordinance; it is further provided, however, that upon a showing by the Grantee that the actual laying of pipe lines and laterals for the distribution of natural gas in said city has been delayed due to the Grantee's inability to secure necessary pipe or other materials, or due to acts of God, the period allowed above shall be automatically extended for an additional period of six (6) months. (Ord. No. 189, Sec. 11)

4.08.15 Recorded charges. Be it further ordained that the charges for recorded consumption of natural gas at one point of delivery as per Section 4.08.09 shall be provided in the Grantee's rate schedules attached hereto and made a part hereof by reference. (Ord. No. 189, Sec. 12)

4.08.16 Construction of chapter.

- A. This chapter shall not be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating.
- B. Nothing in this chapter shall be construed to alter or change the present rate schedule under which the Gas Company is now operating, except by order of the

Arkansas Public Service Commission or other legally constituted bodies.

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

4.12.01	Authority granted for operation of telephone system
4.12.02	Service to the city
4.12.03	Company rights
4.12.04	Term
4.12.05	Tax imposed upon Mountain Home Telephone Company
4.12.06	Tax shall be in lieu of other charges
4.12.07	Temporary moving of lines
4.12.08	Permission to trim trees
4.12.09	No electric light or power wire attachments
4.12.10	Exclusive privilege not given
4.12.11	Effective date

4.12.01 Authority granted for operation of telephone system. The Mountain Home Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Mountain Home, Arkansas, (herein referred to as "city"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the city in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time may be established.

4.12.02 Service to the city. Telephone service furnished to the city shall be paid for by the city in accordance with the applicable rate schedules of the Telephone Company now on file and/or as they may in the future be filed by the Telephone Company and approved by the Arkansas Public Service Commission. The Telephone Company shall have the privilege of crediting any amount due the city with any unpaid balance due said Telephone Company for telephone service rendered to said city. It is expressly agreed and understood between the city and the Telephone Company if any licenses, charges, fees, impositions or taxes (other than automobile license fees, special millage taxes and the general ad valorem taxes) be charged,

imposed or levied by the city of Mountain Home, Arkansas, in the future, then in such event, the obligation of the Telephone Company set forth herein, to pay the city the sum of two percent (2%) annually of the gross telephone service revenue (excluding long distance and Western Union) shall immediately terminate. (Ord. No. 111, Sec. 2)

4.12.03 Company rights. Nothing herein contained shall be construed as giving the Telephone Company any rights or privileges in addition to those already enjoyed or owned by said Company, nor shall it affect any prior or existing rights of the Telephone Company to maintain and operate a Telephone Exchange System within said city. (Ord. No. 111, Sec. 3)

4.12.04 Term. This franchise shall remain in effect for a term of two (2) years and for successive periods of one (1) year each unless and until canceled not more than six (6) months nor less than three (3) months prior to the expiration of the original term or any anniversary thereof. (Ord. No. 111, Sec. 4)

4.12.05 Tax imposed upon Mountain Home Telephone Company. The Mountain Home Telephone Company shall pay each year as a franchise or privilege tax to the city of Mountain Home, Arkansas, payable on a current basis or within thirty (30) days after the end of each calendar quarter, four percent (4%) of the preceding calendar quarter's gross local service telephone revenues plus four percent (4%) of the interstate toll service revenue billed its customers within the corporate limits. The payment of the tax for the fourth quarter of each year shall be subject to a credit for uncollectible operating revenue applicable to the total of each for the year in which the tax applies. Such credit shall be the same percentage determined and applied to the Company's Annual Report to the Arkansas Public Service Commission. (Ord. No. 586, Sec. 1)

4.12.06 Tax shall be in lieu of other charges. The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said city.

4.12.07 Temporary moving of lines. The Telephone 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 Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

4.12.08 Permission to trim trees. Permission is hereby granted to the Telephone 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 Telephone Company, all 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.

4.12.09 No electric light or power wire attachments. Nothing in this chapter 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 separate non-contingent agreements shall be a prerequisite to such attachments.

4.12.10 Exclusive privilege not given. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city.

4.12.11 Effective date. The effective date and basis of the franchise fees due as hereinbefore set out shall be the first quarter of 1980, and franchise fees due based upon the first quarter of 1980 and thereafter. (Ord. No. 586, Sec. 2)

CHAPTER 4.16

TAX ON PRIVATE CLUBS

Sections:

4.16.01 City tax levied

4.16.01 City tax levied. All private clubs within the city of Mountain Home, Arkansas, serving alcoholic beverages shall pay to the city a supplemental tax equal to one-half (1/2) of the amount paid to the state. Proceeds from this tax shall be deposited into the city's general fund.

CHAPTER 4.20

TAXI FRANCHISE

Sections:

4.20.01	Exclusive right
4.20.02	Franchise fee
4.20.03	Term
4.20.04	Permitted rates and tariffs - Maximum
4.20.05	Establishment of zones
4.20.06	Hours of operation
4.20.07	Special services
4.20.08	Communication/dispatch
4.20.09	Liability insurance
4.20.10	Safety

- 4.20.11 Notice - Hearing – Termination
- 4.20.12 Penalties
- 4.20.13 Other taxes
- 4.20.14 Independent contractor

4.20.01 Exclusive right Mountain Home Taxi Service, Inc. is hereby granted an exclusive franchise for the operation of a taxicab service within the corporate limits of the city of Mountain Home, Arkansas. Provided that North Arkansas Transportation System is to have city-wide route authority, so long as it does not provide door-to-door service. (Ord. No. 2002-23, Sec.1)

4.20.02 Franchise fee Mountain Home Taxi Services, Inc. shall pay for the exclusive franchise granted in Section 1 the following franchise fees:

First automobile in use	\$20.00 per year
Second automobile in use	\$15.00 per year
Each additional automobile in use	\$10.00 per year
(Ord. No. 2002-23, Sec. 2)	

4.20.03 Term The duration of this exclusive franchise and grant shall be for a period of five (5) years commencing the 14th day of August, 2007. (Ord. No. 2007-21, Sec. 1.)

4.20.04 Permitted rates and tariffs - Maximum

- A. The franchisee shall not charge more than the following rates and tariffs:
 - 1. Base fee: \$3.75, plus \$1.75 per mile.
 - 2. Extra stop: \$1.50.
 - 3. Extra passenger: A surcharge of \$1.25 each for each person in excess of one, in addition to the rates set out above.
 - 4. Waiting: \$.50 per minute (first 5 minutes are free). Then the lesser of \$.50 per minute or \$18.75 per hour, with a minimum of \$18.75 per hour rate. (Ord. No. 2004-24, Sec. 1.)
- B. The City Council has determined the rates or tariffs permitted may be increased by the franchisee upon his showing that increased cost of operation has prohibited a fair profit derived from his operation of such franchise. Upon written request by the applicant, the City Council shall grant to the applicant fee increases equal to any increase may be granted for good cause shown. Such increases shall not be granted nor requested more often than semi-annually.
- C. The franchisee is hereby authorized to charge an additional surcharge of One Dollar and Fifty Cents (\$1.50) for any services provided outside the hours of operation set forth in Section 6 of Ord. 97-028. (Ord. No. 02-23, Sec. 4.)

4.20.05 Establishment of zones. The areas delineated on the map attached to and made a part of this ordinance by reference thereto shall be the zones for which the fees, tariffs and rates as set forth hereinabove in Section 4 shall be applicable. (Ord. No. 02-23, Sec. 5)

4.20.06 Hours of operation. The franchisee shall operate and maintain the service on a five (5) day a week, ten (10) hours per day basis. (Ord. No. 02-23, Sec. 6)

4.20.07 Special services. The franchisee will provide service to the Mountain Home Municipal Airport on a seven (7) day per week basis, special call. The franchisee shall provide service to citizens and residents of Mountain Home, Arkansas, preferentially to other accounts which may be serviced by the franchisee. (Ord. No. 02-23, Sec. 7)

4.20.08 Communication/dispatch. The franchisee shall maintain Federal Communications Commission licensed two-way radio systems or a mobile phone system for the dispatch of his vehicle within the zones and to the locations it services. (Ord. No. 02-23, Sec. 8)

4.20.09 Liability insurance. The franchisee shall procure and maintain in continuous force and effect liability insurance upon its vehicles and equipment in a sum not less than the minimum amounts required by the laws of the state of Arkansas. (Ord. No. 02-23, Sec. 9)

4.20.10 Safety. The franchisee shall keep all vehicles operated by it in a safe, serviceable condition for the safety and protection of the citizens and inhabitants of the city to whom this service is being furnished. Failure of the franchisee to provide such equipment shall be cause for termination of this franchise grant by the city as hereinafter set out. (Ord. No. 02-23, Sec. 10)

4.20.11 Notice - Hearing - Termination. The city may terminate this franchise grant due to the failure of the franchisee to provide safe equipment as required in Section 10 hereinabove and for failure to perform pursuant to any section of this ordinance after reasonable notice to the franchisee and an opportunity for hearing, if desired. (Ord. No. 02-23, Sec. 11)

4.20.12 Penalties. Any person, firm, partnership or organization operating a taxicab, automobile for hire or other similar service in conflict with the grant of this franchise, shall be unlawful and for the operation of such without a franchise shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and each day of operation shall be deemed a separate and distinct offense. (Ord. No. 02-23, Sec. 12)

4.20.13 Other taxes. The service furnished the city by the franchisee and the payment of the fees set out hereinbefore in 4.20.02 for the exclusive grant herein, and privilege hereof, shall be in lieu of all other licenses, fees, charges, impositions of taxes (other than automobile license fees, special millage taxes, improvement district taxes and general ad valorem taxes) charged or imposed or levied by the city of Mountain Home, Arkansas. (Ord. No. 02-23, Sec. 13)

4.20.14 Independent contractor. Nothing in this chapter shall be construed as giving or making the franchisee herein an agent, servant or employee of the city of Mountain Home, Arkansas. (Ord. No. 02-23, Sec. 14)

CHAPTER 4.24

ELECTRIC FRANCHISE; NORTH ARKANSAS

ELECTRIC COOPERATIVE

Sections:

4.24.01	Electric franchise granted to North Arkansas Electric Cooperative
4.24.02	Rights and responsibilities
4.24.03	Facilities
4.24.04	Rights of way
4.24.05	Authority
4.24.06	Rates
4.24.07	Liability
4.24.08	Franchise tax
4.24.09	Other fees and taxes waived
4.24.10	Service to city
4.24.11	Franchise exceptions
4.24.12	Contract

4.24.01 Electric franchise granted to North Arkansas Electric Cooperative. The city of Mountain Home, Arkansas, (hereinafter referred to as "city") hereby grants to the North Arkansas Electric Cooperative, Inc., its successors and assigns (hereinafter referred to as "Grantee"), the exclusive right, privilege and authority within the territory allocated to it pursuant to the Arkansas Public Service Commission (PSC), in the city of Mountain Home, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called "facilities"). (Ord. No. 632, Sec. 1)

4.24.02 Rights and responsibilities. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve consumers in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.24.01 in all such allocated territories, areas and zones and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.24.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 632, Sec. 2)

4.24.03 Facilities. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code and other municipal codes or laws applicable thereto. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavation, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 632, Sec. 3)

4.24.04 Rights of way. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, and, further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 632, Sec. 4)

4.24.05 Authority. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this chapter and thereafter, until terminated in accordance with the provisions of Section 44 of Act 324 if the 1933 Acts of the State of Arkansas, as presently enacted or hereafter amended. (Ord. No. 632, Sec. 5)

4.24.06 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 632, Sec. 6)

4.24.07 Liability. In the construction, operation and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants or employees, in construction,

operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 632, Sec. 7)

4.24.08 Franchise tax. Beginning in 1981, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each month a franchise tax in an amount equal to four and twenty-five hundredths percent (4.25%) of the preceding month's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Mountain Home, Arkansas. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Mountain Home, Arkansas, upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto. (Ord. No. 632, Sec. 8)

4.24.09 Other fees and taxes waived. It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.24.08 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electric revenues shall immediately terminate. (Ord. No. 632, Sec. 9)

4.24.10 Service to city. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balance due said Grantee for electric service rendered to said Grantor. (Ord. No. 632, Sec. 10)

4.24.11 Franchise exceptions. Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing or furnishing electric energy for hire or its own use or the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 632, Sec. 11)

4.24.12 Contract. Upon written acceptance by Grantee, this chapter shall constitute a contract between Grantor and the Grantee, and its successors and assigns. (Ord. No. 632, Sec. 12)

CHAPTER 4.28

OCCUPATIONAL LICENSE

Sections:

4.28.01	Title
4.28.02	Terms and definitions
4.28.03	Occupational license required
4.28.04	Calendar year
4.28.05	Separate license required
4.28.06	Application procedure
4.28.07	Posting and display to officer
4.28.08	Fees
4.28.09	False statements
4.28.10	Transfer and assignment
4.28.11	Penalty

4.28.01 Title. This chapter shall be known as the Occupational License Chapter. (Ord. No. 05-41, Sec. 1)

4.28.02 Terms and definitions. The following terms, words and phrases as used in this chapter, shall have the following meaning unless the context hereof clearly requires otherwise, and the singular shall include the plural and vice-versa and the masculine shall include the feminine and vice-versa.

- A. City: The term "city" as used in this ordinance shall mean the city of Mountain Home, Arkansas.
- B. Person: The term "Person" as used in this ordinance shall mean a person, firm, partnership, association, corporation or venture.
- C. Business. The term "Business" as used in this ordinance shall mean a trade, occupation, calling, vocation, profession, venture, pursuit, livelihood, career, or transaction. (Ord. No. 05-41, Sec. 2)

4.28.03 Occupational license required.

- A. It is unlawful for any person, firm or corporation, whether principal or agent to commence, engage in or carry on any of the businesses, occupations or professions within the city for which a license is required herein without having first paid the privilege tax and procured a license therefore.

- B. Each person with no physical location within the city engaged in business within the corporate limits shall be required to procure an Occupation License from the city unless such person possesses a valid Occupation License issued by another city, located in the state of Arkansas, where it maintains a physical location. A copy of said license shall be furnished to the City Clerk of Mountain Home. (Ord. No. 05-41, Sec. 3.)

4.28.04 Calendar year Any Occupation License required herein shall be for a period of one year, commencing on March 1st and shall be considered delinquent after March 31st. License paid after March 31st will be subject to penalties and fees as set out in 4.28.10 of this ordinance. In the event of a person entering into a business after the first of each year, said person shall procure the license and pay the fees required within thirty days from the date that business is commenced. The fees levied upon such new business shall be computed on a prorated basis of a 365 day year. (Ord. No. 05-41, Sec. 4)

4.28.05 Separate license required Any person, firm or corporation engaging in more than one business, occupation or profession, and for which a license is required of each, shall pay for and take out license for each such business, profession or occupation. There will be no exception for more than one business, occupation or profession operated on the same premises. (Ord. No. 05-41, Sec. 5)

4.28.06 Application procedure Each person desiring a license, required by this ordinance, shall apply to the City Clerk. If such a person or business is required to pay a license fee in Schedule II of Section 8, a copy of the assessment for personal property, on file in the County Assessor's office, for the year prior to that in which the fees are due, must accompany the application. Fees for a new business, required paying a license fee in Schedule II, will be based on the amount of opening inventory. Upon completion of the required application and presentation of the assessment for personal property, if applicable, said Clerk shall issue and deliver a receipt for payment and license therefore. (Ord. No. 05-41, Sec. 6)

4.28.07 Posting and display to officer Each person holding a license under this article shall keep the license posted in a conspicuous place and show the license to any officer of the city demanding to see it. (Ord. No. 05-41, Sec. 7.)

4.28.08 Fees. The annual fees, unless otherwise specified, as required by this ordinance, shall be upon the following classifications: (1) the kind of trade, business, profession, vocation or calling (2) the amount of goods, wares or merchandise carried in stock in any business, whichever is applicable. If such trade, business, profession or vocation is not specifically listed, the fee will be determined based on the closest definition. Payment schedules are as follows:

A. Schedule I

	<u>Amount</u>
ABSTRACTS OF TITLES/ABSTRACTORS	\$100.00
This subsection shall apply to all persons who conduct a business of compiling and making abstracts of titles to lands for a valuable consideration and title insurance companies.	
ACCOUNTANTS/AUDIT COMPANIES	100.00
Includes public bookkeeping, tax preparation/consultant	
Also see: CERTIFIED PUBLIC ACCOUNTANT	
Income Tax Preparation – seasonal	
ACUPUNTURIST (each)	75.00
ADVERTISING/ADVERTISING AGENCY	50.00
The business or occupation of preparing and issuing advertisements.	
AIR CONDITIONING AND HEATING	
See : CONTRACTORS	
ALARM COMPANIES	Exempt
See A.C.A. 17-40-106 and Ord. No. 520	
Register without fee.	
ALCOHOLIC BEVERAGES	
See Ord. No. 87-030	
AMBULANCE SERVICE	Exempt
AMUSEMENT PARKS	125.00
Miniature golf, go-karts, batting cages, arcade and other amusement of like character	
ANSWERING SERVICE	50.00
ANTIQUE DEALER	50.00
APARTMENTS – COMPLEX	
See: LEASING AGENT	
APPAREL SHOPS (men, women, children)	Schedule II
APPLIANCE – REPAIR (only)	35.00
APPRAISERS	50.00
ARCADE (only)	50.00
ARCHITECTS (each)	150.00
ART TEACHER/CLASSES	35.00
ARTIFICIAL LIMBS	35.00
making or selling	
ASPHALT PLANT(Manufacturer/Contractor)	125.00
ASSISTED LIVING/RETIREMENT HOME	\$3.00 per unit
ATTORNEYS (each, not firm)	150.00
AUCTIONEERS (each)	100.00

AUDIOLOGIST	50.00
Hearing aid sales and service	
AUTO DEALER, new vehicles	200.00
AUTO DEALER, used cars and trucks	100.00
AUTO DETAIL	40.00
AUTO REPAIR SHOP	100.00
AUTOMOBILE SUPPLY AND ACCESSORIES	Schedule II
AUTO BODY AND PAINT SHOP/REPAIR	
BAIL SHOP (only)	35.00
Bait and tackle	Schedule II
BAKERY AND PASTRY SHOP	50.00
BANKING	
See: FINANCIAL INSTITUTIONS	
BARBER/BEAUTY SHOPS	50.00
each additional chair	7.50
See: SALONS for multiple services offered	
BARBER/BEAUTY SUPPLY STORES	Schedule II
BICYCLE DEALERS	Schedule II
repair only	35.00
BILLIARD/POOL HALL	35.00
BILLING SERVICE	50.00
BLADE SHARPENING	35.00
BOATS/MOTOR SALES	100.00
BOARDING HOUSE/BED & BREAKFAST	50.00
A house where meals or room and meals can be had for pay	Guest unit
BONDSMAN/BAIL BONDS	100.00
BOOKSTORE	Schedule II
BOTTLED WATER	Schedule II
BOTTLERS See: MANUFACTURING COMPANIES	
BOWLING ALLEY	150.00
BRICK LAYERS/CONTRACTOR	100.00
BROKERS (each, not firm)	100.00
Stocks and bonds	
BUILDING MATERIALS	Schedule II
BULK GAS AND OIL (wholesale)	100.00
BUS LINES engaged in interstate	50.00
BUSINESS, COMMERCIAL OR TRADE SCHOOLS	50.00
BUTANE AND/OR PROPANE DISTRIBUTORS	100.00
BUTCHER SHOP	50.00

CABINET MAKERS	
1 person	35.00
2+ employees	75.00
CAFES & RESTAURANTS	
Occupancy load:	
a. Carry-out, delivery service only and/or drive-in	50.00
b. Up to 75	75.00
c. 76-150	125.00
d. 151 – up	175.00
CAR WASH up to 4 bays	50.00
each additional bay	3.50
CARPENTER SHOP	
1 person	35.00
2+ employees	75.00
CARPET/RUG CLEANING	35.00
CARPET/SALES INSTALLATION	
Carpet sales	Schedule II
Carpet installation (only)	75.00
CASH ADVANCE (LOAN AGENT)	50.00
CASH REGISTER DEALER	50.00
CATALOG STORE	250.00
All persons, firms or corporations selling and storing in or distributing in or from the city.	
CATERING	75.00
CERTIFIED PUBLIC ACCOUNTANT	150.00
CHILDCARE	
1 – 5 children	30.00
6 – 15 children	50.00
16 and up	75.00
CHIMNEY CLEANING	35.00
CHIROPODISTS (each, not firm)	150.00
CHIROPRACTORS (each)	150.00
CIVIL ENGINEER (each)	150.00
CLEANERS AND PRESSERS	50.00
CLUBS (PRIVATE)	
See: Ord. No. 87-030	
COLLECTION AGENCIES	75.00
Engaged in handling accounts or other forms of indebtedness and collecting same.	
COMPUTER	
Instruction, consultation and/or repair, web design	35.00
Sales:	Schedule II
CONCRETE & CEMENT PRODUCTS RETAIL	Schedule II
CONCRETE READY-MIX	150.00

CONSIGNMENT SALES	Schedule II
CONTRACTORS	
Backhoe/loader	100.00
Brick/stone mason	100.00
Carpet layers	50.00
Concrete contractor	75.00
Drywall contractor	50.00
Electrician	
Up to 2 employees	75.00
3 or more employees	125.00
General (New construction: Residential & Commercial)	125.00
General (remodel only)	
Up to 2 employees	50.00
3 or more employees	125.00
Heating and air conditioning	
Up to 2 employees	75.00
3 or more employees	125.00
Insulation/acoustical tile	
Up to 2 employees	50.00
3 or more employees	75.00
Painter, wallpaper installer	
Up to 2 employees	50.00
3 or more employees	75.00
Siding	
Up to 2 employees	50.00
3 or more employees	75.00
Plumbers	
Up to 2 employees	75.00
3 or more employees	125.00
Roofers	
Up to 2 employees	75.00
3 or more employees	125.00
CONVENIENCE STORE	Schedule II
CREDIT BUREAU	50.00
CREMATORY	200.00
COUNSELING SERVICE	75.00
 DANCE STUDIO	 50.00
DELICATESSENS	
See: CAFES/RESTAURANTS	
DELIVERY SERVICE	50.00
Exclusive service – delivery of food or other items	
DENTIST (each person so engaged)	150.00

DEVELOPERS (firm)	100.00
DISC JOCKEY	50.00
(Musical entertainment)	
DOCTOR, PHYSICIAN, SURGEON (each person so engaged)	150.00
(Includes independent contractors)	
DOG GROOMER/SMALL ANIMALS	35.00
See: KENNELS for boarding services	
DRY CLEANERS	50.00

ELECTRICIAN

See: CONTRACTORS

EMPLOYMENT SERVICES	35.00
ENGINEER	150.00
Civil, mining, mechanical, consulting or other engineers	
EQUIPMENT RENTAL AND LEASE	100.00
Includes vehicles, trailers, etc.	
EXERCISE CENTERS	100.00
EXTERMINATING	
See: PEST CONTROL	

FACTORIES

See: MANUFACTURING

FILM DEVELOPERS	35.00
FINANCIAL CONSULTANT	50.00
FINANCIAL INSTITUTIONS:	

Total Resources - Deposits

Main bank and branch locations (each)	
0 - \$15,000,000	300.00
\$15,000,00 - 25,000,000	550.00
25,000,001 - 50,000,000	800.00
50,000,001 and over	1,050.00
FLEA MARKET	75.00
FLORISTS (Retail)	75.00
FORTUNE TELLERS	250.00
FRUIT AND VEGETABLE STANDS	
Permanent structure	50.00
Temporary (See: ITINERATE/PEDDLER)	
FUNERAL HOMES	200.00
FURNITURE REFINISHING, REPAIR, UPHOLSTERY	50.00

GAS FILLING STATIONS (one location)	
First pump	50.00
Each additional pump	7.50
Selling other merchandise	add Schedule II
GASOLINE OR OIL DEALERS, wholesale	100.00
GLASS INSTALLATION	100.00
GOLF COURSES	
Miniature golf courses (no other amusement)	50.00
Driving range (only)	50.00
GRAPHIC DESIGN	50.00
GRAVEL CRUSHING AND SCREENING (each truck)	25.00
GROCERY STORE	Schedule II
GUN SHOP	Schedule II
HANDYMAN	35.00
HATCHERY	35.00
HEALTH SPA	100.00
HOME-BASED BUSINESS	
Applicable license fee must be paid and all zoning and signage regulations must comply with city of Mountain Home codes. (Fee based on applicable definition of occupation or activity)	
HOME HEALTH CARE – NURSING	50.00
(Includes Nutritionist, Consultant)	
HOME INSPECTION	35.00
HOTELS, MOTELS	75.00+
plus per unit	3.50
Restaurants and liquor services associated with hotels/motels will be taxed under appropriate activity of this schedule or chapter.	
HYPNOTHERAPIST (each)	75.00
ICE COMPANY	75.00
ICE CREAM - retail	
See: CAFES/RESTAURANTS	
INCOME TAX SERVICE	50.00
Exclusive and seasonal service only	
INTERIOR DECORATOR SHOP/CONSULTANT	50.00
Shop with inventory in excess of \$5,000.00	Schedule II
INTERNET – WEB DESIGN	35.00
INSURANCE AGENCIES	Exempt
See: A.C.A. 26-57-602	

	S-35
INVESTMENT FIRM (each broker)	100.00
ITINERANT BUSINESS	
per day	25.00
one year	100.00
JANITORIAL SERVICE	
Up to 2 employees	50.00
3 or more employees	100.00
JEWELRY – retail	Schedule II
JEWELRY REPAIR AND ENGRAVERS	50.00
where no other license issued	
KARATE INSTRUCTION	35.00
KENNELS	75.00
Pet boarding	
LABORATORIES	75.00
LANDSCAPE GARDENERS OR PLANNERS	100.00
(full service lawn care and/or landscape)	
LAWNMOWER REPAIR	35.00
LAWN MOWING SERVICE	
mowing only – up to 2 employees	35.00
each additional employee	5.00
LAUNDERETTES AND WASHATERIAS	50.00
LAUNDRY ROUTES	100.00
Residential and commercial	
LEASING OR RENTAL AGENTS:	
Apartment/residential	
1 – 3 units	0
4 or more units	2.50 per unit
Commercial	
1 – 5 units	50.00
each additional	3.50
Public mini-storage	
1 – 5 units	30.00
each additional	.50
Public storage units	
1 – 5 units (includes boat, R.V.)	30.00
each additional	.50

The leasing of real property or structure located thereon, when such real property or structure is situated or located within the corporate limits of the city is deemed subject to the license and fees imposed by this chapter, regardless of the residency of the owner thereof or the location or place where such document of lease or arrangement is executed or delivered or payment made thereon or pursuant thereto (whether inside or outside the boundaries of the city).

LIMOUSINE SERVICE	35.00
LINEN SUPPLY COMPANIES	100.00
Uniforms, towels, linens – delivery and service	
LIQUOR/RETAIL, PACKAGE AND DISTRIBUTION	
See: Ord. No. 87-030	
LOCKSMITH	75.00
LOAN AGENT (CASH ADVANCE)	50.00
Making loans to be paid back in installments and not otherwise taxed under this chapter	
LUMBER DEALERS	Schedule II
MACHINE SHOP	50.00
MAGAZINE DISTRIBUTOR/SALES	
See: ITINERATE	
MANUFACTURING COMPANIES:	
1 – 3 employees	75.00
4 - 10	125.00
11 - 15	175.00
16 - 20	225.00
21 - 30	425.00
31 - 40	625.00
41 - 50	825.00
51 - 60	1,025.00
61 - 70	1,225.00
71 - 80	1,425.00
81 – 90	1,450.00
91 – up	1,500.00
MARBLE DEALER	
Markers/stonecutters	50.00
MASSEURS	50.00
MEDICAL EQUIPMENT – SALES AND RENTAL	Schedule II
MISCELLANEOUS OCCUPATION	35.00
Not otherwise specified or defined	

MOBILE HOMES, TRAILERS, R. V.	
Equipment, repair, parts only	100.00
Parks	50.00+
	2.50 per space
MORTGAGE COMPANY	100.00
MOTION PICTURE THEATERS	100.00
MOTOR FREIGHT LINE – Warehouse	250.00
MUSICAL/MISCELLANEOUS INSTRUCTION	
Includes residential and transient teachers	35.00
NAPRAPATH (each person so engaged)	150.00
NEWS DEALERS	25.00
as principal business (each stand)	
NEWSPAPERS, each newspaper published in the city	200.00
NURSERIES	
flowers, shrubs or plants	100.00
NURSING AND HOME HEALTH CARE SERVICES	50.00
includes Nutritionist	
NURSING HOMES	400.00
OPTOMETRIST, OPTICIAN, OCULIST	150.00
Each optometrist, optician or oculist or dealer in spectacles or dealer in eyeglasses	
OSTEOPATH (each person so engaged)	150.00
ORTHODONTIST (each person so engaged)	150.00
PACKING AND SHIPPING FACILITY	50.00
PAWNBROKERS	100.00
PEST CONTROL SERVICES	100.00
(Applicant shall provide copy of valid license issued by the State Plant Board) See: A.C.A. 17-37-204	
PET SHOPS	50.00
PHARMACY	Schedule II
PHOTOGRAPHY STUDIOS	35.00
PHYSICAL THERAPIST (each)	75.00
PIANO TUNERS (each person so engaged)	35.00
PLUMBERS	
See: CONTRACTORS	

PRINTING COMPANY	50.00
PRIVATE CLUBS	
See: Ord. No. 378	
(In accordance with Alcoholic Beverage Control Board	
and A.C.A. 3-9-221 – Sec. 10, Act 132 of 1969)	
PRIVATE INVESTIGATORS	Exempt
See: A.C.A. 17-40-106	
Register without fee	
PSYCHOLOGIST (each)	150.00
 RADIO AND TELEVISION STATIONS	250.00
REAL ESTATE AGENCY	150.00
RECORDING STUDIO	75.00
RECREATIONAL CLUBS	150.00
Includes health, pool, spa centers	
RECREATIONAL HALL	50.00
Multi-purpose rental	
REFRIGERATORS	
Servicemen, with no stock	35.00
Dealers and servicemen who carry a stock	Schedule II
REPAIR SHOPS, not otherwise specified	35.00
RESTAURANTS AND CAFES	
<u>Occupancy Load:</u>	
Carry-out, delivery service only and/or drive-in	50.00
Up to 75	75.00
76-150	125.00
151 up	175.00
RETAIL STORES	Schedule II
Miscellaneous and wholesale	
 SALES AND SERVICE	75.00
SALON – DAY SPA	
First chair	50.00
Each additional chair	7.50
Offering such services as: Spa treatment, massage,	
manicurist, tanning, inventory, in addition to hair styling	35.00+
SAND AND GRAVEL/HAULING	100.00
SATELLITE DISH	75.00
Includes sales, service and installation	
SECOND=HAND CLOTHING SALES	50.00
SEXUALLY ORIENTED BUSINESS	
See: Ord. No. 99-021	

SHOE REPAIR	35.00
SIGN PAINTER/INSTALLER	50.00
SKATING RINK	100.00
SURVEYOR	150.00
TAILOR	35.00
TANNING SALON	35.00
TATOO PARLOR	100.00
TAXICAB SERVICE	
(Separate ordinance – franchise)	
TAXIDERMIST	50.00
TELEPHONE SOLICITATION – SALES	50.00
TIN AND SHEET METAL SHOPS	50.00
TIRE RECAPPING SERVICE	35.00
TRANSFER AND MOVING SERVICE	50.00
Engaged in the business of moving household goods, or hauling merchandise or materials	
TRAVEL AGENCIES	50.00
TREE TRIMMERS OR SURGEONS	
Employing not more than 3 persons	35.00
Employing more than 3 persons	50.00
TUTORING SERVICE	35.00
TYPING SERVICE	35.00
UNDERTAKERS/EMBALMERS	
See: FUNERAL HOMES	
UPHOLSTERY REPAIR OR TRIM SHOPS	50.00
UTILITY COMPANIES	50.00
(Non-franchise with city of Mountain Home)	
VACUUM CLEANER, dealers not included with other appliances	50.00
VENDING SERVICE	35.00
VETERINARIAN (each not firm)	150.00
VIDEO STORE (rental only)	35.00
If other merchandise sold	Schedule II

WAREHOUSE/DISTRIBUTION	150.00
WELDING COMPANIES, where exclusive or principal business	50.00
WOOD SALES/DISTRIBUTION	35.00
Sale and/or delivery of firewood	
WRECKER/TOWING SERVICE	50.00

B.

ALL RETAIL STORES**Schedule II**

Inventory	Rate
\$ 0 - \$ 5,000	\$ 50.00
\$ 5,001 - \$ 10,000	\$ 80.00
\$ 10,001 - \$ 25,000	\$ 150.00
\$ 25,001 - \$ 50,000	\$ 175.00
\$ 50,001 - \$ 100,000	\$ 200.00
\$ 100,001 - \$ 200,000	\$ 250.00
\$ 250,001 - \$ 300,000	\$ 350.00
\$ 300,001 - \$ 400,000	\$ 450.00
\$ 400,001 - \$ 500,000	\$ 550.00
\$ 500,001 - \$ 600,000	\$ 650.00
\$ 600,001 - \$ 700,000	\$ 750.00
\$ 700,001 - \$ 800,000	\$ 850.00
\$ 800,001 - \$ 900,000	\$ 950.00
\$ 900,001 - \$1,000,000	\$1,050.00
\$1,000,001 - \$1,500,000	\$1,300.00
\$1,500,001 - \$2,000,000	\$1,550.00
\$2,000,001 - Up	\$1,800.00

(Ord. No. 05-41, Sec. 8.)

4.28.08 False statements It shall be unlawful for any person to knowingly make a false statement in the application for any license required by this chapter for the purpose of defrauding the city of the just license fees and said violation shall be subject to the provisions of Section 11 herein. (Ord. No. 05-41, Sec. 9)

4.28.09 Transfer and assignment Any person who shall sell, transfer or assign all of his/her interest in any business to any other person or changes physical location of any business shall notify the City Clerk. (Ord. No. 05-41, Sec.10)

4.28.10 Penalty In fixing the amount of penalty for the violation of any of the provisions of this ordinance, late fees shall be charged after March 31st at a rate of 10% of the license fee together with the costs necessary for collection.

It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business, profession or occupation within the city of Mountain Home to fail and/or refuse to comply with any of the provisions of this ordinance. Upon conviction for such violation, the offender shall be fined an amount not less than Two Hundred Fifty Dollars (\$250.00), nor more than Five Hundred Dollars (\$500.00). (Ord. No. 05-41, Sec. 11.)

CHAPTER 4.32

MARKETPLACE REGULATION

Sections:

4.32.01	Title
4.32.02	Exemption
4.32.03	Parking
4.32.04	Hours of operation
4.32.05	Saleable articles
4.32.06	Sanitation
4.32.07	Identification
4.32.08	Use of public streets and sidewalks
4.32.09	Fine

4.32.01 Title. The ordinance, formerly known as the "Farmers Market," shall be known as "The Downtown Market Regulation Ordinance." (Ord. No. 03-26, Sec. 1.)

4.32.02 Exemption An occupational or privilege license, as required by Ordinance 589, as amended shall not be applicable to those persons who offer items for sale at "The Downtown Market" either in person or through a duly authorized agent, pursuant to A.C.A. 14-140-101 and 14-140-102. (Ord. No. 03-26, Sec. 2.)

4.32.03 Parking The thirty-six inner square parking spaces, located adjacent to the Baxter County Courthouse on the north, east, and south side of the courthouse building, shall be available for vendors on Wednesdays and Saturdays, 5:00 a.m. to 1:00 p.m. The six handicapped parking spaces will not be utilized by the vendors. Vendors shall be permitted to back their vehicles into the spaces, provided no vehicle extends into the street which is obstructing traffic, and no vehicle or vendors supplies shall obstruct pedestrian traffic on the sidewalk of the market place. Forestalling is not allowed. (Ord. No. 03-26, Sec. 3.)

4.32.04 Hours of operation The "Downtown Market" established hereby may be opened on Wednesdays and Saturdays, but shall not be opened on any other days. The market place shall be opened no earlier than 5:00 a.m. and shall close no later than 1:00 p.m. (Ord. No. 03-26, Sec. 4.)

4.32.05 Saleable articles The following articles, and no others, shall be sold at the "Downtown Market" established hereby: vegetables, fruit, nuts, plants and flowers, eggs, jams and jellies, vinegars, baked goods, or products of the farm. Products sold must be in compliance with all applicable regulations of the Arkansas State Department of Health. (Ord. No. 03-26, Sec. 5.)

4.32.06 Sanitation Each vendor will be responsible for keeping the market grounds clean in his/her immediate area. At the close of each market day, each vendor shall be required to leave the market place clean and free from debris and insects, and vendors must remove all trash from the market area. (Ord. No. 03-26, Sec. 6.)

4.32.07 Identification Each vendor will be required to display, in plain view for customers at all times, a placard no smaller than six inches tall by twelve inches long, which visibly identifies the vendors name and business address. The placard will also state whether the vendor is a "producer" of the product, or a "re-seller." (Ord. No. 03-26, Sec. 7.)

4.32.08 Use of public streets and sidewalks It shall be unlawful for any person to use any public street, public parking space or public sidewalk as a space of business except as authorized by this ordinance; provided further, the City Council may approve temporary use of a public street, place or sidewalk as a market place where such use is a part of an event, activity, or celebration of general public interest. The City Council may impose reasonable conditions on such as is necessary to safeguard public health, safety and welfare. (Ord. No. 03-26, Sec. 8.)

4.32.09 Fine Any person deemed guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) and each day of such violation shall be deemed a separate offense. (Ord. No. 03-26, Sec. 9.)

CHAPTER 4.36

CABLE TELEVISION

Sections:

4.36.01	Franchise granted
4.36.02	Definitions
4.36.03	Right-of-way
4.36.04	Grantee's facilities
4.36.05	Grantee's responsibilities
4.36.06	Service rules
4.36.07	Television reception
4.36.08	FCC
4.36.09	Maintenance of quality
4.36.10	Termination of franchise
4.36.11	Rates
4.36.12	Service area
4.36.13	Exceptions
4.36.14	Service to schools
4.36.15	Default
4.36.16	Franchise tax
4.36.17	Property taxes
4.36.18	Service interruptions
4.36.19	Hold harmless
4.36.20	Ordinance publication
4.36.21	Due process
4.36.22	Complaints
4.36.23	FCC approval
4.36.24	Terms
4.36.25	Franchise periods

4.36.01 Franchise granted. In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the right is hereby granted to Home Cable Company, its successors and assigns, hereinafter referred to as "Grantee", to erect, maintain and operate antenna television transmission and distribution facilities, in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges, and other public places in the city of Mountain Home, Arkansas, and subsequent additions thereto, for the purpose of transmission and distribution of television impulses and television energy, both community antenna and closed-circuit, including programs recorded on file and television tape or otherwise recorded in accordance with the laws and regulations of the United States of America and the State of Arkansas, and the ordinances and regulations of the city of Mountain Home, for a period of fifteen (15) years. Prior to one (1) year before the expiration of this franchise, Home Cable Company shall give written notice of its intention to exercise its option to

renew this franchise for an additional fifteen (15) year period. The city of Mountain Home shall hold a public hearing affording due process within ninety (90) days of the notice of option to determine if the renewal option is to be granted. The city of Mountain Home may not deny said renewal option except for good cause. (Ord. No. 588, Sec. 1)

4.36.02 Definitions. Wherever used in this chapter, the word "television" shall mean a system for simultaneous transmission of audio signals and transient visual images by means of electrical impulses. (Ord. No. 441, Sec. 2)

4.36.03 Right-of-way. This right-of-way for the use and purposes herein set forth shall not be exclusive but is merely a permit allowing Grantee to use the streets, alleys, etc., of the city of Mountain Home, Arkansas, for the purposes herein set forth. (Ord. No. 441, Sec. 3)

4.36.04 Grantee's facilities.

- A. The Grantee's transmission and distribution system, poles, wires and appurtenances shall be located, erected and maintained so as not to endanger or interfere with the lives of persons or to interfere with any improvements the city may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, alleys, bridges or other public property.
- B. Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable ordinances and regulations as may be presently in effect or may be enacted by the city of Mountain Home affecting electrical installation. (Ord. No. 441, Sec. 4)

4.36.05 Grantee's responsibilities.

- A. In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the Grantee shall proceed as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public places, made by the Grantee in the course of its operations, shall be guarded and protected at all times by the placement of adequate barriers, fences, boardings, warning signs and lighting at night, the bounds of which during periods of dusk and darkness shall be clearly designated.
- B. Whenever the Grantee shall take up or disturb any pavement, sidewalk or other improvement of any street, avenue, alley or other public place, the same shall be replaced and the surface restored in as good condition as before entry within a

reasonable period after completion of the Grantee's work. Upon failure of the Grantee to make such restoration within a reasonable time, the city may serve upon the Grantee notice of the city's intent to cause the restoration to be made and unless the Grantee within forty-eight (48) hours after receipt of such notice begins or resumes the proper restoration to be made, the city may cause the proper restoration to be made, including the removal of excess dirt, and the expense of same shall be paid by the Grantee upon demand by the city.

- C. The Grantee shall at all times comply with any and all reasonable rules and regulations which the city has made or may make to apply to the public generally with reference to the removal or replacement of pavements and to excavations in streets and other public places, not inconsistent with its use for the purposes contemplated by this chapter. (Ord. No. 441, Sec. 5)

4.36.06 Service rules. The Grantee shall have the right to prescribe reasonable service rules and regulations for the conduct of its business, service rules and regulations shall be kept on file at all times with the City Clerk. (Ord. No. 441, Sec. 6)

4.36.07 Television reception. The Grantee shall construct an All Hands System capable of providing four (4) or more channels of satisfactory television reception. (Ord. No. 441, Sec. 7)

4.36.08 FCC. The Grantee's distribution system shall conform to the requirements of the Federal Communications Commission (FCC), particularly with respect to freedom from spurious radiation and interfering with present or future private antenna reception. (Ord. No. 441, Sec. 8)

4.36.09 Maintenance of quality. The antenna, receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscriber receivers throughout the system essentially of the same quality as those received at the antenna site and/or transmitted by the Grantee. (Ord. No. 441, Sec. 9)

4.36.10 Termination of franchise.

- A. Upon termination or forfeiture of this grant, in accordance with any of its terms, the Grantee shall, within a reasonable time, remove its poles, cables, wires and appliances from the city streets, lanes, avenues, sidewalks, alleys, bridges, highways and other public places and from the premises of Grantee's customers within the city and subsequent additions thereto.

B. In the event of failure of the Grantee to perform the obligations of the first sentence of this section, the city shall have the right to make a written demand upon the Grantee to proceed to carry out the removal of such equipment and, within thirty (30) days from the date of such demand, to proceed with such removal expeditiously, the city shall have the right to remove same and retain it as the city's property, without accounting therefor to the Grantee, and the expenses

of such removal shall be charged to and paid by the Grantee, without credit for the value, if any, of the equipment removed by the city. (Ord. No. 441, Sec. 10)

4.36.11 Rates.

- A. By its acceptance of this franchise, the Grantee specifically grants and agrees that its rates and charges to its subscribers for television and radio signals shall be fair and reasonable and no higher than necessary to meet all lawful costs of operation (assuming efficient and economical management), including a fair return on the investment. The existing rate and charges, which are hereby approved, are set forth in Schedule 1; that when subscribers are converted to all bands and are receiving ETC, the educational network and the weather scan, then the rates for said subscribers beginning on the following month shall be as set forth in Schedule 2; that when Grantee has installed its microwave system and said system is operational so that signals for Channels 4 and 11 from Little Rock are upgraded and Channel 7 from Little Rock is added to the system, then the rates for said subscribers beginning on the following month shall be as set forth in Schedule 3.

B. Rate Schedules.

		Schedule	Schedule	Schedule
		<u>1</u>	<u>2</u>	<u>3</u>
1.	Main Station	\$ 5.45	\$ 5.75	\$ 6.90
2.	Extensions: T.V. or F.M.	1.00	1.00	.50
3.	Charge per amplifier (when added)			
a.	Up to 10 outlets *			2.00
b.	Above 10 outlets **			5.00
4.	Installation charges:			
a.	Residential	10.00	10.00	10.00
b.	Ext. F.M. or T.V.	5.00	5.00	5.00
c.	Business (per outlet)	10.00	10.00	10.00
5.	Moves and changes			
a.	Inside	5.00	5.00	5.00
b.	Outside	10.00	10.00	10.00
6.	Reconnect after disconnect for non-payment	10.00	10.00	10.00
7.	Return check charge		3.00	3.00

* This is total outlets including main station outlet.

** Amplifiers will be added as needed to maintain signal strength due to losses because of number of extensions or length of runs.

- C. Grantee shall make no change to rates and charges for service under this chapter without approval of the City Council unless the city has failed to approve or reject proposed rates within ninety (90) days of a written request by Grantee and the Grantor shall have the reciprocal right to ask the Grantee for a rate decrease. (Ord. No. 441, Sec. 11)

4.36.12 Service area. After specific notice of the Company's construction plan and the fact that the entire city will not be wired and a public hearing affording due process, the Grantee shall provide service only to those areas within the corporate limits of the city wherein the density of subscribers is adequate to permit the providing of service on an economically feasible basis; provided, however, the Grantee must provide service to any person who requests such service to a building situated in the city and within three hundred (300) feet of existing facilities of the Grantee, if such person is otherwise entitled to service. (Ord. No. 462, Sec. 12)

4.36.13 Exceptions. If in the future, the state of Arkansas or any federal agency regulates the rates of the Grantee for the service provided for in this chapter, this chapter shall be of no effect during such regulation to the extent of any conflict therewith. (Ord. No. 441, Sec. 13)

4.36.14 Service to schools. Grantee shall provide one (1) main station in each public school within the corporate limits of the city of Mountain Home, Arkansas, at a location within the school building to be selected by school authorities without charge, provided, extensions or moves and changes added after the initial installation shall bear the approved charges for such service. (Ord. No. 441, Sec. 14)

4.36.15 Default. If the Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations except for causes beyond the reasonable control of the Grantee, and shall fail, within thirty (30) days after written notice from the city to correct such default or noncompliance, the city shall have the right to repeal this chapter and all rights of the Grantee hereunder. (Ord. No. 441, Sec. 15)

4.36.16 Franchise tax. All provisions of law provided and prescribed for the granting of this permit and authority are hereby declared to have been fully complied with and the permit shall be in full force and effect from and after its execution and approval. The Grantee shall pay, and, in consideration of the granting of this permit and authority, agree to pay to the city of Mountain Home as a tax and as compensation for the right and privilege enjoyed hereunder, a sum equal to three percent (3%) of the gross revenues for customers located within the corporate limits of the Grantor; payable monthly, within thirty (30) days after the end of the month from which such revenues are collected. (Ord. No. 588, Sec. 2)

4.36.17 Property taxes. The payments herein provided for shall not be in lieu of ad valorem taxes assessed with respect to real or personal property of the Grantee by the city. (Ord. No. 441, Sec. 17)

4.36.18 Service interruptions. When a customer's service is reported or found to be interrupted, it will be restored as promptly as possible, but in the event it remains out of order through no fault of the customer, in excess of twenty-four (24) consecutive hours, after knowledge by the company of the interruption, the company will refund the prorate part of that month's charges for the period of days during which the service was not provided. This refund may be accomplished by a credit on a subsequent bill for cable service. If the trouble is the fault of the customer's property, no adjustment will be given and there could be a possible service charge. (Ord. No. 441, Sec. 18)

4.36.19 Hold harmless. In the construction, operation and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 441, Sec. 19)

4.36.20 Ordinance publication. The Grantee shall pay to the city the cost of publishing this ordinance according to law. (Ord. No. 441, Sec. 20)

4.36.21 Due process. The Company's legal character, financial, technical and other qualifications, and the adequacy and feasibility of its construction arrangements have been approved by the City Council as part of a full public proceeding affording due process. (Ord. No. 462, Sec. 22)

4.36.22 Complaints. The Company shall, as expeditiously as possible, investigate and resolve, to the extent possible, all complaints regarding the quality of service, equipment malfunctions, and similar matters and correct same expeditiously, and the Company shall maintain a local business office or listed agent at a location which subscribers may visit readily and may call without incurring toll charges so that complaints and requests for repairs or adjustments may be received. The City Council of Mountain Home shall have primary responsibility for the continuing administration of the franchise and implementation of complaint procedures. Notice of the procedures for reporting and resolving complaints will be given to each subscriber at the time of initial subscription to the cable system. (Ord. No. 462, Sec. 23)

4.36.23 FCC approval. This franchise agreement is subject to Federal Communications Commission (FCC) regulations as they now exist. Any modification of the provisions of Section 76.31 of the rules of the FCC resulting from amendment by the FCC shall be incorporated into this franchise within one (1) year of the adoption of such modification, or at the time of a franchise renewal, whichever occurs first. (Ord. No. 462, Sec. 24)

4.36.24 Terms. All terms of the Sections 4.36.01 through 4.36.23 remain in full force and effect. (Ord. No. 89-003, Sec. 1)

4.36.25 Franchise periods. Sections 4.36.01 through 4.36.24 are hereby extended for an additional fifteen (15) years beginning on the 16th day of February, 1991, and ending on the 16th day of February 2006. (Ord. No. 89-003, Sec. 2)

CHAPTER 4.40

POLICE ALARM SYSTEMS

Sections:

4.40.01	Purpose
4.40.02	Definitions
4.40.03	Exceptions
4.40.04	Standards, requirements and duties
4.40.05	Alarm business and alarm agent permits
4.40.06	Property owner or property lessee permits
4.40.07	Special provisions
4.40.08	Penalty

4.40.01 Purpose. The purpose of this chapter is to encourage the use of police alarm systems and to establish standards for and controls of the various signals from alarm systems that require police response. (Ord. No. 520, Sec. 1)

4.40.02 Definitions. For the purpose of this chapter, certain words and phrases shall be construed as set forth in this section, unless it is apparent from the context that a different meaning is intended.

- A. Alarm Agent - means any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, monitoring, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system.
- B. Alarm Business - means the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

- C. Alarm System - means any mechanical, electrical or electronic device which is designed or used for the detection of unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.
- D. Control Alarm Station - means any facility operated by a private firm that owns or leases alarm systems and which facility is manned by operators who receive, record or validate burglary or hold-up alarm signals and relay information about such validated signals to the police when appropriate.
- E. False Alarm - means any signal which is the result of human carelessness or error to which the police respond, which is not the result of a hold-up, robbery, other crime, emergency, malfunction or act of God.
- F. Hold-Up Alarm - means any alarm system designed to be actuated by a criminal act or other emergency at a specific location or by a victim of a hold-up, robbery or other emergency or criminal act at a specific location.
- G. Intrusion - means any entry into any area or building equipped with one or more alarm systems by any person or object whose entry actuates an alarm system.
- H. Licensing Authority - means the Chief of Police of the city of Mountain Home, Arkansas.
- I. Malfunction - means that the activated alarm was not due to a fault or negligence on the part of the owner of the alarm system or systems.
- J. Act of God - means an act occasioned exclusively by violence of nature without the interference of any human agency.
- K. Police Chief - means the Police Chief of the Mountain Home Police Department, Mountain Home, Arkansas, or his representative. (Ord. No. 520, Sec. 2)

4.40.03 Exceptions. The provisions of this section do not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location. (Ord. No. 520, Sec. 3)

4.40.04 Standards, requirements and duties.

- A. Audible Alarm Requirements. Every person maintaining an audible alarm shall furnish to the Police Chief, the name and telephone number of the primary person responsible for the alarm system and an alternate name and telephone number of a person who can deactivate the alarm system or systems. The lessee or owner of any audible alarm system will be responsible for deactivating the alarm system within a reasonable time following notification by the Police Department.
- B. Alarm System Permit. No person shall possess or use an alarm system without first applying for and receiving an alarm permit in accordance with the provisions of this ordinance.
- C. Display of Alarm System Permit. A valid alarm system permit shall be kept on the premises where the alarm system is located.
- D. Alarm Agents; Permits in Possession. Every alarm agent shall carry on his person at all times while so engaged, a valid alarm agent permit and shall display such permit to any police officer upon request.
- E. Alarm System Description. Alarm agent and/or alarm business must provide the owner or lessee a written description of the function, design and operation of the alarm system installed on the premises. (Ord. No. 520, Sec. 4)

4.40.05 Alarm business and alarm agent permits.

- A. Application for Permits. All alarm businesses and alarm agents who desire to conduct business in the city of Mountain Home shall apply to the Licensing Authority for a business permit on a form to be supplied by the Licensing Authority. Such business permit shall be issued for a one (1) year period, on a calendar year basis or part thereof, and no license shall extend beyond December 31st of each year. Notwithstanding this provision, a person having a business license may conduct business through January 31st of the year following the expiration of his business permit.
- B. Application Form. Applications for permits shall be filed with the Licensing Authority and shall be accompanied by the permit fee. The Licensing Authority shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. Forms shall require alarm business applicants to list major owners and/or investors of their organization.
- C. Permit Fees. Permit fees shall be as follows:

1. Alarm Agent Permit . . . \$25.00 per year (due at the beginning of each calendar year)
 2. Alarm Business Permit . . \$125.00 per year (due at the beginning of each calendar year)
- D. Investigation. Every applicant for an alarm business or alarm agent permit shall be fingerprinted. The Police Department shall conduct an appropriate investigation of the applicants to determine whether said permit should be issued. No permit shall be granted if:
1. The applicant, his employee or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with any city agency; or
 2. The applicant had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation; and/or
 3. The applicant has within the past ten (10) years been convicted of any felony or any misdemeanor involving intent to defraud.
- E. Suspension or Revocation. A permit issued under this chapter may be suspended or revoked by the Licensing Authority for the violation of any of the provisions of this chapter or any regulation or regulations promulgated by the Licensing Authority pursuant to this chapter. Any permit or identification card issued hereunder shall be surrendered immediately to the Licensing Authority upon such suspension or revocation. No part of the permit fee shall be refunded when a permit is suspended or revoked.
- F. Appeal. Any applicant whose application for a permit has been denied, suspended or revoked may appeal such suspension in writing to the City Council within thirty (30) days after the date of the notice of suspension or revocation and may appear before the City Council at a time and place to be determined by the City Council, in support of his or its contention that the permit should not have been suspended or revoked. The decision of the City Council is final. (Ord. No. 520, Sec. 5)

4.40.06 Property owner or property lessee permits.

- A. Application for Permits. Any property owner or lessee of property in the city of Mountain Home, Arkansas, having on his or its premises an alarm system shall

apply to the Licensing Authority on a form to be supplied by the Licensing Authority, for a permit to have such a device on his or its premises. Application for permits for alarm systems existing in premises on the effective date of this chapter must be made to the Licensing Authority within ninety (90) days of the effective date of this chapter. No such alarm system may be installed on the premises of the owner or lessee after the effective date of this chapter prior to the Licensing Authority having issued a permit to such owner or lessee. No presently existing alarm system shall be modified after the effective date of this chapter prior to the Licensing Authority having issued a permit to such owner or lessee.

- B. False Alarm and/or Malfunction. Any owner or lessee having an alarm system on his or its premises shall after two (2) malfunctions or false alarms of such system within a thirty (30) day period, which result in a response by the Mountain Home Police Department, pay a service fee of Twenty-Five Dollars (\$25.00) for any such further responses.
- C. Exclusions. The provisions of this subsection shall exclude any malfunction caused by an act of God.

4.40.07 Special provisions.

- A. None of the provisions of this chapter shall apply to the following:
 - 1. An alarm system installed in a motor vehicle.
 - 2. Employees of a public utility company engaged in the business of providing communication services or facilities.
 - 3. Licensed agents involved in periodic maintenance and testing or permitting alarm systems with prior clearance from monitoring agency.
- B. The information furnished and secured pursuant to this chapter shall be confidential and not subject to public inspection.
- C. All existing alarm systems within the city limits of the city of Mountain Home, Arkansas, will be given ninety (90) days from the effective date of this chapter to transfer the monitoring system from the Baxter County Sheriff's Office to the Mountain Home Police Department. (Ord. No. 88-029, Sec. 3)

4.40.08 Penalty.

- A. It shall be unlawful for any alarm agent or alarm business to sell, lease or install equipment upon the premises until the owner or lessee has obtained a permit for same.

- B. It shall be unlawful for any person to intentionally activate any alarm system for any reason other than to warn of an actual burglary, hold-up, robbery or as provided for in Section 4.40.07(A).
- C. Any person violating provisions of this chapter and upon conviction thereof shall be deemed guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00). (Ord. No. 520, Sec. 10)

CHAPTER 4.44

ITINERANT AND ROADSIDE SALES

Sections:

- 4.44.01 Itinerant sales
- 4.44.02 Penalty
- 4.44.03 Roadside sales
- 4.44.04 Permit length
- 4.44.05 Requirements
- 4.44.06 Farmers' Market
- 4.44.07 Penalty

4.44.01 Procedures

- A. Each itinerant salesperson who proposes to engage in the sale of any product or service by visiting the homes or businesses, or from a transitory location within the city limits of the city of Mountain Home, Arkansas, shall:
 - 1. Application for and payment of itinerate license fee shall be made in the City Clerk's office.
 - 2. Payment of a non-refundable \$25.00 photo identification card fee shall be made in the City Clerk's office.
 - 3. Applicant shall follow the procedures set by the city of Mountain Home, Arkansas, for obtaining an itinerate photo identification card.
 - 4. Applicant shall wear said photo identification on a conspicuous part of his/her person at all times while conducting sales within the city.
 - 5. Door-to-door sales shall be allowed only from sunrise to sunset.

6. Applicant shall comply with the expiration date on the identification.
 7. Continues sales activity after identification card expiration date shall be a violation of this ordinance. (Ord. No. 2009-16, Sec. 1.)
- B. Exception. The sale of excess farm products shall be exempt from the requirements of this chapter. (Ord. No. 848, Sec. 2)

4.44.02 Penalty Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction, pay a fine of not less than Twenty-Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 848, Sec. 3)

4.44.03 Roadside sales It shall be unlawful for any person, firm or corporation to engage in any roadside or streetside sales from a moveable outlet or where there is no outlet at all within the city of Mountain Home, without first having obtained an applicable permit from the Building Inspection Department. A fee of Fifty Dollars (\$50.00) shall be charged by the Building Inspection Department at the time of application for a permit and such sum shall be paid into the general fund of the city. (Ord. No. 2008-26, Sec. 2.)

4.44.04 Permit length The permit issued by the Building Inspection Department shall be valid for a maximum of thirty (30) days and may be extended by the City Council one time for up to thirty (30) additional days. No person, firm or corporation shall be allowed to engage in roadside and/or streetside sales without having a valid permit from the Building Inspection Department. (Ord. No. 2008-26, Sec. 3.)

4.44.05 Requirements The trailer or other portable mechanism or location for roadside and/or streetside sales, or portable structure must meet the following requirements:

- A. The trailer, or other mechanism for roadside and/or street side sales, or portable structure must meet the setback requirements of the city of Mountain Home Zoning Ordinance.
- B. The trailer, or other mechanism for roadside and/or streetside sales, or portable structure must have proper distances between structures as set out in city ordinances and building codes.
- C. The trailer, or other mechanism for roadside and/or streetside sales, or portable structure shall not be placed in a fire lane.
- D. Any electrical cords used in or about the trailer or other mechanism for roadside and/or streetside sales, or portable structure shall meet the requirements of Chapter 43 of the Fire Code of the state of Arkansas.

- E. The trailer, or other mechanism for roadside and/or streetside sales, or portable structure should have fire extinguishers when and where required by law.
- F. The trailer, or other mechanism for roadside and/or street side sales, or portable structure shall not be placed within thirty (30) feet of any exit or exit way.
- G. Any electrical wiring which is required by the trailer, or other mechanism for roadside and/or streetside sales, or portable structure shall be installed by a licensed electrician.
- H. The trailer, or other mechanism for roadside and/or streetside sales, or portable structure must have a letter approval from the Baxter County Sanitarian, if required by the Department of Health.
- I. No one possessing a thirty (30) day itinerate license at the time of the passage of this ordinance shall be allowed to apply for a permit created under the terms of this ordinance. (Ord. No. 2008-26, Sec. 3.)

4.44.06 Farmers' Market The provisions of this ordinance shall not apply to the Mountain Home Farmers' Market, or to any other government or Mountain Home Chamber of Commerce sanctioned events. (Ord. No. 2008-26, Sec. 4.)

4.44.07 Penalty Any person, firm or corporation which fails to comply with the terms of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and each day such violation of this ordinance shall exist, shall constitute a separate offense. (Ord. No. 2008-26, Sec. 5.)

CHAPTER 4.48

ALCOHOLIC BEVERAGES

Sections:

- 4.48.01 Application
- 4.48.02 Fee: wholesale dealers; liquor
- 4.48.03 Fee: wholesale dealers; beer and malt liquors
- 4.48.04 Fee: wholesale dealers; liquor, beer and malt liquors
- 4.48.05 Fee: retail dealers; beer
- 4.48.06 Fee: retail package stores; liquor, beer and malt liquors
- 4.48.07 Location
- 4.48.08 Certificate of occupancy
- 4.48.09 Hours of sale
- 4.48.10 Penalty
- 4.48.11 Other licenses and fees
- 4.48.12 Purpose
- 4.48.13 Definitions

4.48.01 Application

- A. Before any person shall engage in the wholesale or retail liquor business in the city, an application shall be made to the city for the granting of a license.
- B. Said application shall contain a sworn statement of the name of the business sought to be licensed, the names and addresses of all of the persons owning or holding any interest in said business, and the proposed location of said business, the owner or owners of the building or premises in which said store is to be located, and said applicant's state license shall accompany such application, then the City Collector shall issue such license upon the payment of the license fee provided hereinafter. (Ord. No. 87-303, Sec. 1)

4.48.02 Fee: wholesale dealers; liquor The business of storing, transporting and/or selling of spirituous and vinous liquors at wholesale within the city is hereby declared to be a privilege, and for the exercise of such privilege, there is hereby levied an annual tax in the sum of One Hundred Fifty Dollars (\$150.00) for each such business conducted. (Ord. No. 87-303, Sec. 2)

4.48.03 Fee: wholesale dealers; beer and malt liquors. The business of storing, transporting and/or selling beer or malt liquors at wholesale within the city is hereby declared to be a privilege and for the exercise of such privilege, there is hereby levied an annual tax in the sum of One Hundred Fifty Dollars (\$150.00) for each such business conducted. (Ord. No. 87-030, Sec. 3)

4.48.04 Fee: wholesale dealers; liquor, beer and malt liquors. The business of storing, transporting and/or selling of spirituous, vinous liquors and malt liquors at wholesale within the city is hereby declared to be a privilege, and for the exercise of such privilege, there is hereby levied an annual tax in the sum of Three Hundred Dollars (\$300.00) for each such business conducted. (Ord. No. 87-030, Sec. 4)

4.48.05 Fee: retail dealers; beer.

A. The business of storing, transporting, selling and/or dispensing at retail of any and all malt liquors and beer on or off premises within the city is hereby declared to be a privilege and for the exercise of such privilege, an annual privilege tax shall be levied as follows:

1. For each retailer doing business within the city, Fifteen Dollars (\$15.00) for a retailer whose total gross annual sales do not exceed One Thousand Dollars (\$1,000.00); Twenty Dollars (\$20.00) for a retailer whose total gross annual sales exceeds One Thousand Dollars (\$1,000.00), but does not exceed Two Thousand Dollars (\$2,000.00); and Twenty dollars (\$20.00) for a retailer whose total gross annual sales exceeds Two Thousand Dollars (\$2,000.00), plus an additional Five Dollars (\$5.00) for each One Thousand Dollars (\$1,000.00) gross annual sales in excess of Two Thousand Dollars (\$2,000.00); provided, the annual privilege tax for each retailer doing business within the city of Mountain Home, Arkansas, shall not exceed a maximum of One Hundred Dollars (\$100.00) annually.
2. At the time each retail dealer applies for a new permit, said retail dealer shall file with the City Clerk an affidavit signed by said retail dealer showing gross revenues received by said retail dealer from the sale of light wines and/or beer during the preceding year.
3. The City Clerk, either personally or through his authorized agents, shall have the right to inspect and examine the records of every retail dealer subject to the tax required by this provision.
4. Whenever the City Clerk has ascertained that a retail dealer has secured a permit for an amount less than that which should have been paid therefore, he shall require the payment of the difference plus a penalty in an amount equivalent to one hundred percent (100%) of said difference or cancel the

permit. The City Clerk shall notify the Director of Alcoholic Beverage Control of the identity of retailers failing to comply with the provisions of this section in order that the Director may notify wholesale dealers to discontinue sales to such delinquent retailers in accordance with Arkansas Statutes 48-516. When such license fee and penalty is paid to the City Clerk, the Clerk shall notify the Director of Alcoholic Beverage Control that such retailer has paid said fee. (Ord. No. 87-030, Sec. 5)

4.48.06 Fee: retail package stores; liquor, beer and malt liquors. The business of storing, transporting, selling and/or dispensing at retail of any and all vinous, spirituous and/or malt liquors within the city is hereby declared to be a privilege, and for the exercise of such privilege, there is hereby levied an annual privilege tax of Two Hundred Fifty Dollars (\$250.00) for each such retail store operated within the city. (Ord. No. 87-030, Sec. 6)

4.48.07 Location. It shall be unlawful for any person to sell or engage in the wholesale or retail liquor business at any location other than that zoned C-1, C-2 or Industrial. (Ord. No. 87-030, Sec. 7)

4.48.08 Certificate of occupancy. No person shall be granted a license at either wholesale or retail within the city, upon, in or in connection with any premises wherein there does not exist a certificate of occupancy. At the time of application, every person desiring a permit pursuant to this chapter shall file with the Clerk of the City a Certificate of Occupancy for the premises for which the permit is sought. (Ord. No. 87-030, Sec. 8)

4.48.09 Hours of sale. It shall be unlawful for any person to sell, offer for sale or give away at wholesale or retail any spirituous, vinous, malt or other intoxicating alcoholic liquor before the hour of 7:00 a.m. and after the hour of 12:00 midnight and on Sunday. (Ord. No. 87-030, Sec. 9)

4.48.10 Penalty. Every person who violates any section of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, the license of such person shall be revoked and such person shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) and each day's violation of said section shall constitute a separate offense. (Ord. No. 87-030, Sec. 10)

4.48.11 Other licenses and fees. Every person shall procure, in addition to any permit issued pursuant to this chapter, all other licenses, permits issued by the city, county and state. (Ord. No. 87-030, Sec. 11)

4.48.12 Purpose. It shall be unlawful for any person to sell, store, give away or transfer any spirits, vinous, beer or malt liquor without having first procured a license as provided herein and payment of the requisite fee therefor. (Ord. No. 87-030, Sec. 12)

- A. The term "person" for the purpose of this chapter, means one (1) or more persons, a company, corporation, partnership, syndicate or association.
- B. The term "spirituous, vinous and malt liquors" shall mean for the purpose of this chapter any fermented liquor made from malt or any substitute therefore having an alcoholic content not in excess of five percent (5%) by weight; liquor distilled from fermented juices of grain, fruits or vegetables and containing more than twenty-one percent (21%) alcohol by weight; and the fermented juices of grapes, berries or other fruits or vegetables containing not more than five percent (5%) alcohol by weight. (Ord. No. 87-30, Sec. 13)

CHAPTER 4.52

GARAGE SALES

Sections:

4.52.01	Permits
4.52.02	Fee
4.52.03	Signs
4.52.04	Weather
4.52.05	Penalties

4.52.01 Permits It shall be unlawful for any person within the city of Mountain Home, Arkansas, to engage in or carry on any garage sale, yard sale, porch sale, patio sale, lawn sale, or any similar type of sale unless that person first obtains a permit from the City Clerk or her agent. The permit will be issued for a maximum of three (3) calendar days per sale. Two permits may be issued in a calendar year per residence. The applicant shall sign a statement stating that the yard sale shall be of personal property owned by the person or persons and that the property was not purchased for the purpose of resale. The permit with the receipt are to be displayed in a visible location at the sale. (Ord. No. 2009-11, Sec. 1.)

4.52.02 Fee Applicant shall pay a Five Dollar (\$5.00) permit fee, subject to the above conditions. (Ord. No. 2009-11, Sec. 2.)

4.52.03 Signs Two (2) off-premise yard sale signs will be permitted for each yard sale. Signs may erected twenty-four (24) hours before the sale and must be removed within forty-eight (48) hours after the sale. Directional signs may not be attached in any manner to sign posts, utility posts or placed on public right-of-ways. (Ord. No. 2009-11, Sec. 4.)

4.52.04 Weather In case of inclement weather, the permit will be extended for seven (7) days. (Ord. No. 2009-11, Sec. 4.)

4.52.05 Penalties

- A. The first violation may carry a fine of up to Twenty-Five Dollars (\$25.00).
- B. A second violation, if within two (2) years of the first violation, shall result in a fine of not less than Fifty Dollars (\$50.00).
- C. A third violation and each subsequent violation thereafter which occurs within two (2) years of the first violation, shall result in a minimum fine of One Hundred Dollars (\$100.00) for each violation. (Ord. No. 2009-11, Sec. 5)

CHAPTER 4.56

FARMERS' MARKET

Sections:

4.56.01	Title
4.56.02	Exemption
4.56.03	Months, days and hours of operation
4.56.04	Location and parking restrictions
4.56.05	Application and permit procedure
4.56.06	Signage
4.56.07	Definitions
4.56.08	Permitted items for sale
4.56.09	Sampling of products
4.56.10	Set-up
4.56.11	Sanitation/clean-up
4.56.12	Sales tax and permits
4.56.13	Use of public street for business prohibited; exception
4.56.14	Holding the city harmless
4.56.15	Disputes
4.56.16	Severability
4.56.17	Constitutionality
4.56.18	Penalty

4.56.01 Title The chapter shall be known as "The Farmers' Market Regulation Ordinance. (Ord. No. 2007-12, Sec. 1)

4.56.02 Exemption

- A. An occupation or privilege license as required by Ord. No. 2005-41, shall not be applicable to those persons who produce and offer for sale, at the "Farmers' Market" either in person or through a legally authorized agent, any fruits, vegetables, nuts, honey, eggs, flowers or a by-product of producer-grown items, as set forth in A.C.A. 14-140-101 and 14-140-102.
- B. Any person reselling a product or by-product shall not be exempt from Ord. No. 2005-41. Each individual stand shall have a separate license, and all applicable permits. (Ord. No. 2007-12, Sec. 2.)

4.56.03 Months, days and hours of operation The "Farmers' Market" may be held on Wednesdays and Saturdays only. Hours of operation shall be from 6:00 a.m. until 1:00 p.m. No vendor shall be allowed to occupy a site earlier than one hour prior to the designated start time for purposes of set-up, and shall occupy the site no longer than one hour after the designated closing time for clean-up. The hours of operation strictly prohibit forestalling by vendors or their agents. (Ord. No. 2007-12, Sec. 3.)

4.56.04 Location and parking restrictions The thirty-six inner square parking spaces, located adjacent to the Baxter County Courthouse on the north, east and south side of the Courthouse building, will be available to qualified vendors other than herein specifically excepted. Resellers are restricted to the north side of the Courthouse building; Processors are restricted to the east side of the Courthouse; and Growers may locate on either the north, south or east side of the Courthouse. However, from October 1st to April 30th each year, neither Growers, Processors, nor Resellers shall be restricted to their assigned spaces, but may occupy any space that is otherwise unrestricted. Vendors are prohibited from utilizing the six spaces designated for handicap parking, and the two spaces on the east side of the square reserved for the County Judge and County Clerk's offices. Vendors shall be permitted to back their vehicles into the marked spaces with the backs of the vehicles facing the curbs, provided no vehicle extends into the street thereby obstructing traffic in any manner. No vehicle shall be parked within fifteen feet of any fire hydrant. In addition, no one shall park a produce trailer or carry on any vending operation on the west side of the Baxter County Courthouse (Highway 62B). (Ord. No. 2008-5, Sec. 1.)

4.56.05 Application and permit procedure

- A. Each vendor shall obtain a permit application in the form and content specified by the City Clerk, along with a copy of this ordinance. Applications will contain pertinent information such as: name of vendor, physical address, telephone number, and a product list of items to be sold. A duly authorized agent shall present a written, signed letter stating the authorization to represent the vendor/permitee.

- B. Resellers will be required to apply for and obtain a business license from the Mountain Home City Clerk in accordance with Section 8 of Ord. No. 2005-41 pertaining to "Itinerate Sales."
- C. Qualified vendors, other than resellers will apply for and obtain a non-fee permit from the City Clerk to occupy a space(s) on the east and south side. Permits will be issued on a first come, first serve basis. Permits are non-transferable. No vendor may hold a permit for more than two spaces. Each space must have a separate permit. Each permitted space must be supervised by a permittee or a permittee's legally authorized agent. No permittee or permittee's legally authorized agent may supervise more than one space.
- D. Vendors who obtain permits and do not attend the "Farmers' Market" on a regular basis, or no longer wish to utilize the space are required to contact the City Clerk. This will provide other qualified vendors the opportunity to participate. In the case that all spaces are occupied, a waiting list will be compiled.
- E. Any space for which a permit has been issued which is not occupied by the permit holder by 7:00 a.m. may be occupied by another permit holder on a first come, first serve basis.
- F. Each permit shall be valid for the calendar year in which such permit is issued. (Ord. No. 2007-12, Sec. 5.)

4.56.06 Signage All vendors, whether growers or resellers, shall display on their stand a sign which shall be a minimum of 8 ½ " by 11", which includes their name, physical address and phone number, and whether the vendor is a "grower" or a "reseller." (Ord. No. 2007-12, Sec. 6.)

4.56.07 Definitions

Agent – any person legally authorized by the vendor/permittee to represent and sell their product(s).

Grower – a person or entity that plants, raises and harvests a farm-grown commodity and offers it for sale to the public. (Ord. No. 2008-5, Sec. 1.)

High value products – meat, poultry, eggs, milk and cheese.

Itinerate/peddler – vendors who buy fruits or vegetables for reselling at the "Farmers' Market."

Processed food – products such as jam, jelly, cider, vinegar, pickles, salsa, vegetable and or herbal spreads, and bread items which must be made in a licensed kitchen and comply with Arkansas State Health Department regulations.

Processor – a person or entity that incorporates farm-grown products, e.g., tomatoes, peppers, peaches into a processed product, e.g., salsa, pies, bread for sale to the public for human consumption. (Ord. No. 2008-5, Sec. 1.)

Producer – A farmer who raised and sells his/her own product.

Product list – list of products the vendor plans to sell.

Reseller – a person or entity that purchases a farm-grown commodity from a grower or supplier or distributor and offers it for sale to the public. (Ord. No. 2008-5, Sec. 1.)

Vendor/permittee – a farmer or other person designated as having the right to participate in the "Farmers' Market." (Ord. No. 2007-12, Sec. 7.)

4.56.08 Permitted items for sale Every attempt has been made to provide and promote the widest variety and selection to consumers, while maintaining the original spirit and intention of the "Farmers' Market." The following items, and no others shall be permitted for sale:

- A. Raw vegetables and fruits, edible plants, honey, molasses, sorghum, shelled peas and beans, cut, washed and unwashed bagged vegetables, dried fruits and vegetables, nuts, garlic, spices, grains, herbs, bedding plants, cut flowers, dried flowers, herbal vinegars, fruit syrups, jellies, jams, preserves, herbal and vegetable spreads, fresh fruit and vegetable juices, cider, canned and pickled products, relishes, salsa and bread products.
- B. High value products such as meat, poultry, eggs, milk and cheese.
- C. Craft-type items are limited to those locally grown and produced by the vendor, such as beeswax candles, wood carvings and dried flower arrangements.
- D. Processed foods shall comply with Arkansas State Health Department regulations. A certificate of approval must be presented prior to issuance of a city permit to participate as a vendor.
- E. High value products as listed above, shall meet the following criteria:
 - 1. Meat products – All meat products must be 100% from animals raised from weaning by the farmer/producer. Animals may be butchered or processed off-farm. Processing must comply with all Arkansas State Health Department regulations. Farmers/producers shall supply documentation of such compliance prior to issuance of a city permit to participate as a vendor.
 - 2. Milk, dairy and cheese – Fresh milk must be 100% from the farmer/producer's own herd. Cheese and other dairy products must be made by the farmer/producer. At least 60% of the milk used for cheese dairy products must be from the farmer/producer's own herd. Production and preparation must comply with all Arkansas State Health Department regulations. Documentation of such compliance must be submitted prior to issuance of a city permit to participate as a vendor.

Individual vendors are responsible for obtaining all licenses and/or permits required by the Arkansas State Health Department. Copies of all licenses/permits must be on file with the Mountain Home City Clerk prior to selling at the "Farmers' Market." Resellers may bring only fresh fruits and vegetables and must maintain on file the source of the produce by date sold and furnish that information to any consumer or their designated representative, who requests such information. (Ord. No. 2007-12, Sec. 8.)

4.56.09 Sampling of products It is the sole responsibility of the vendor to contact the Arkansas State Health Department with regard to providing samples of their product(s) to consumers. The vendor/permittee must comply with all applicable regulations. (Ord. No. 2007-12, Sec. 9.)

4.56.10 Set-up Items for sale, canopies and umbrellas must be placed in a manner that will not obstruct sidewalks, allowing pedestrians ample room to move freely. (Ord. No. 2007-12, Sec. 10.)

4.56.11 Sanitation/clean-up Vendors shall be responsible for cleanliness and sanitation of their selling areas at the close of each market day. All vendors agree to bring a broom and trashcan and keep the market area free of any debris generated by market activity. Vendors shall not use public trash receptacles for disposal of product boxes and unsold products. (Ord. No. 2007-12, Sec. 11.)

4.56.12 Sales tax and permits Each vendor is responsible for collecting his/her own sales taxes, where it is applicable. (Ord. No. 2007-12, Sec. 12.)

4.56.13 Use of public street for business prohibited; exception It shall be unlawful for any person to use any public street, public parking place or public sidewalk as a place of business, except as authorized by this ordinance. Provided further, the City Council may approve temporary use of a public street, place or sidewalk as a marketplace where such use is a part of an event, activity, or celebration of general public interest. The City Council may impose reasonable conditions on such use as is necessary to safeguard the public health, safety and welfare. (Ord. No. 2007-12, Sec. 13.)

4.56.14 Holding the city of Mountain Home harmless

- A. The city of Mountain Home shall be held harmless for any accidents, injuries or other occurrences in relation to the "Farmers' Market."
- B. Vendors/permittees or their agent shall be held responsible for any damage to city or county property due to negligence. (Ord. No. 2007-12, Sec. 14.)

4.56.15 Disputes Vendors should make every attempt to resolve minor disputes between themselves, especially if it clearly does not involve violation of this ordinance, which is designed to set forth rules, regulations and guidelines pertaining to the safety and welfare of the city of Mountain Home and its inhabitants. (Ord. No. 2007-12, Sec. 15.)

4.56.16 Severability The provisions of the ordinance shall be deemed severable, and the invalidity, unenforceability, or unconstitutionality of any clause, phrase, sentence or part thereof of any section or provision of this ordinance shall not invalidate any other section or provision of this ordinance, and such other sections and provisions shall remain in full force and effect. (Ord. No. 2007-12, Sec. 16.)

4.56.17 Constitutionality If any part of this ordinance should be held unconstitutional, such ruling shall in n way impair the validity of the remaining parts of this ordinance. (ORd. No. 2007-12, Sec. 17.)

4.56.18 Penalty Any person deemed of violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), and each day will be deemed a separate offense. In addition, the vendor's permit may be revoked or suspended depending on the severity of the violation. (Ord. No. 2007-12, Sec. 18.)

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Solid Waste Collection
- 5.20 Abandoned Containers
- 5.24 Sanitation Department
- 5.28 Land Contamination by Drugs
- 5.32 Northwest Arkansas Solid Waste Management District

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 General intent and purpose
- 5.04.02 Interpretation
- 5.04.03 Definitions
- 5.04.04 Minimum property maintenance requirements and standards
- 5.04.05 Enforcement
- 5.04.06 Penalties

5.04.01 General intent and purpose The intent of this ordinance is to protect the public health, safety and welfare of the residents of Mountain Home, Arkansas, with regard to non-wooded residential and non-residential properties within the city limits of Mountain Home by establishing minimum property maintenance requirements and standards to prevent blight, crime and disease, to preserve property values, to increase public confidence in safety, to increase tourism, to facilitate the basic rights of adjacent property owners and citizens to enjoy their surroundings, to fix the responsibility of owners and occupants and to provide for administration, enforcement and penalties. (Ord. No. 2007-27, Sec. 1.)

5.04.02 Interpretation This ordinance shall be construed liberally and justly in insure public health, safety and welfare insofar as they are affected by the continual use and maintenance of residential and non-residential properties. (Ord. No. 2007-27, Sec. 2.)

5.04.03 Definitions

Code Official Any person employed on a full time basis with the city of Mountain Home Building Inspection Department, Police Department or Fire Department with the authority to issue non-compliance citations.

Nuisance property A nuisance property is one that unreasonably interferes with the use and enjoyment of lands of another, including the use of a structure which disturbs the peaceful, quiet, undisturbed use and enjoyment of nearby property. The definition of nuisance property shall also include but not be limited to, those properties found to be dilapidated, unsightly, unsafe, unsanitary, obnoxious, unfit for human occupancy, unlawful or detrimental to the public welfare.

Owners, occupants Any person(s) whether owner(s) or occupants (s) under a lease agreement, shall be responsible for the care, maintenance and upkeep of the property owned or occupied.

Property For the intent and purpose of this ordinance, "property" or "properties" shall be defined as any non-wooded lot or parcel and its existing structures or buildings whether residential, commercial or industrial.

Unfit for human occupancy A structure is unfit for human occupancy or use whenever the Code Official determines that such structure is unsafe, unlawful or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks water and sewer service or other utility services making the structure a hazard.

Unlawful structure A structure found in whole or in part to be a harbor for criminal activity, or one that constitutes a blighting problem due to a consistent lack of regular property maintenance, or is in such a structural state that the building constitutes a danger to anyone in, on or near said structure.

Unsafe equipment Equipment that is unsafe means any machinery that no longer functions in a manner consistent with its make and is openly and obviously displayed on property within the city limits.

Unsafe property An unsafe property is one in which all or part of the premises thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure due to a state of non-repair, damage, decay, dilapidation, trash or fire hazard of such faulty construction or unstable foundation that would make the structure unsafe with partial or complete collapse likely.

Unsanitary property An unsanitary property is one in which the condition of the premises allows for infestation by rodents, vermin, pestiferous insects, mosquitoes or flies. An unsanitary property will include, but not be limited to, those allowing stagnant pools of water causing the breeding of mosquitoes.

Unsightly property Any non-wooded residential, commercial or industrial lot, business, residential yard property within the city limits of Mountain Home that allows weeds or grass to grow over 12 inches high. Unsightly properties shall include those allowing bagged or un-bagged trash, garbage or refuse of any kind to accumulate on the premises. Unsightly properties shall include those allowing overgrown vegetation or conditions to exist that would have a potential to cause rat infestation or other vermin to occupy and breed on the property thereby causing infestation to spread to neighboring properties. Unsightly properties shall include those allowing inoperable, wrecked or "junked" vehicles, or vehicles on blocks, to remain on the property. Unsightly properties shall include those allowing non-trash items of any kind to accumulate on and around the premises, including but not limited to appliances, furniture or other household items.

5.04.04 Minimum property maintenance requirements and standards It shall be unlawful for any person to keep, own or maintain any property, house, building, or other structure within the corporate limits of the city of Mountain Home that constitutes a nuisance or that is unsightly, unsanitary, unsafe, unlawful or unfit for human occupancy. Property owners/occupants shall be held responsible for compliance to this ordinance as follows:

- A. Any equipment that is unsafe, inoperative, unfit for human use, or unlawful shall not be kept, owned or displayed on properties.
- B. All accessory structures, including but not limited to detached garages, fences and walls shall be kept in good repair and free from vines or other vegetation that may grow into or onto an adjoining property.
- C. A vacant structure unfit for human habitation, occupancy or use shall not be allowed to remain standing.
- D. Long-term offensive odors to emanate from the property that unreasonably interfere with the ordinary use and enjoyment of neighboring property owners' land shall not be permitted. This excludes naturally occurring odors beyond the control of the property owner.
- E. Premises and exterior property shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, discarded personal property, garbage, junk, scrap, or refuse excepting those structures in building, remodeling or demolition process. (Ord. No. 2007-27, Sec. 4.)

5.04.05 Enforcement Any tenant and/or owner of real property within the city of Mountain Home, Arkansas, whose property violates this ordinance shall be notified of the violation by the city of Mountain Home and shall be given seven (7) days' notice to correct the ordinance violation. Said notice shall be sent by regular and certified mail and shall be sent to the following:

- A. The occupant, if any, of the property, with notice sent to the physical address of the property;
- B. The owner of the property, with notice sent to the owner's address of record at the office of Baxter County Collector; and
- C. Any lien holders of the property as reflected in the office of the Clerk and Ex-Officio Recorder for Baxter County, Arkansas.

If the owner, occupant or lien holder shall, after being sent notice as provided hereinabove, shall neglect or refuse to remove, abate or eliminate any condition as may be provided for in this ordinance or fails to correct the ordinance violation, then the city may take any and all action necessary to correct the ordinance violation, and shall charge the costs thereof to the owner of the real property. As used herein, the term "costs" shall include the actual cost to correct the ordinance violation, as well as any administrative and collection costs incurred by the city. The city shall be entitled to a lien against the property for all such costs, provided that the lien shall be perfected, imposed and collected in the time and manner set forth in A.C.A. 14-54-903 and 14-54-904. (Ord. No. 2007-27, Sec. 5.)

5.04.06 Penalties Any person in violation of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) per day. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. (Ord. No. 2007-27, Sec. 6.)

CHAPTER 5.08

SEPTIC TANKS

Sections:

- 5.08.01 Water Superintendent shall be Inspector
- 5.08.02 Overflows unlawful

5.08.01 Water Superintendent shall be Inspector. The Water Superintendent of the city of Mountain Home, Arkansas, shall be the Inspector, and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put in 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 the recommendations of the State Board of Health.

5.08.02 Overflows 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 5.12

LITTERING

Sections:

5.12.01 Littering illegal

5.12.01 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 5.16

SOLID WASTE COLLECTION

Sections:

5.16.01 Exceptional circumstances
 5.16.02 Exclusive contract
 5.16.03 Waiver of bidding requirements
 5.16.04 The contract
 5.16.05 Existing contract
 5.16.06 Authorization
 5.16.07 Rates
 5.16.08 Franchisee's obligations

5.16.01 Exceptional circumstances The City Council of the city of Mountain Home, Arkansas, deems there to exist exceptional circumstances in that the city is interested in continuing and increasing its recycling and composting efforts and to ensure obedience of all applicable federal, state, and local laws and regulations and R.L.H., Inc. is interested in, and has for some time been, assisting the city of Mountain Home, Arkansas, in its attempt to increase its recycling and composting efforts; from prior experience, extending for a continuous period of over 30 years, the City Council has knowledge that R.L. H., Inc. has the knowledge, skill, resources, and experience to perform the contracted services in a thorough, competent and efficient manner; further, R.L.H., Inc. is already doing business in and assisting the city of Mountain Home in the collection, recycling, composting, transfer, and disposal of solid wastes; and testing and implementing programs for the mutual benefit of the city of Mountain Home and R.L. H, Inc. and that the City Council is aware of no other person or entity located or situated so as to so adequately provide the landfill services and priorities which are provided in the attached contract; in the latter regard, R.L.H., Inc. owns and operated the most accessible and only permitted solid waste disposal facility located in the five (5) county Regional Solid Waste

Management District existing pursuant to Arkansas Act 752 of 1991; the R.L.H., Inc. landfill situated near Three Brothers in Baxter County, Arkansas, is a Class I landfill, Class IV landfill and composting permit from the applicable Arkansas authorities; and R.L. H., Inc. is in the best position to contract for uninterrupted and contracted first priority disposal services to the city and its contractors to ensure payment of all solid waste collection, recycling, composting, transfer, and disposal fees to the state of Arkansas, including but not limited to all post-closure trust fund fees, disposal fees, and recycling fees required pursuant to Arkansas Acts 747,754 and 755 of 1991, and Arkansas Act 1127 of 1993, and any and all other existing and future fee and operating requirements by United States, Arkansas, and local laws, ordinances, and regulations including, but not limited to, the Resource Conservation and Recovery Act of 1976, as amended, accordingly, the City Council of the city of Mountain Home, Arkansas, deems it not feasible and not practical to submit this matter for a competitive bidding procedure; and that is in the best interests of the citizens and residents of the city of Mountain Home, Arkansas, to forego such competitive bidding procedure. (Ord. No. 02-17, Sec. 1.)

5.16.02 Exclusive contract It is in the best interest of the city of Mountain Home, as well as being mandated by existing ordinances, that the city enter and now to extend an exclusive contract with a person or entity well-qualified to provide Solid Waste Disposal services for the city and that such services not be provided by more than one such provider at any time. (Ord. No. 02-17, Sec. 2.)

5.16.03 Waiver of bidding requirements Because of the exceptional situation involved in Solid Waste Disposal, the substantial capital cost involved, the need for experienced and qualified operators, the continuation of trial and test programs which benefit the city, the potential for damage to the environment, health and welfare of the citizens of the city, and the difficulty in establishing completely objective specifications by citizens of Mountain Home, and the City Council is hereby authorized to negotiate through its Mayor and other employees and ultimately approve and confirm a contract or contracts, particularly that Franchise Agreement dated January 8, 2001; such extension to run through midnight on December 31, 2007, on an exclusive basis, with R.L.H., Inc. for Solid Waste Disposal. (Ord. No. 02-17, Sec. 3.)

5.16.04 The contract The terms and conditions of an extension of a contract with R.L.H., Inc. for the provision of collection, recycling, composting, transfer, and disposal of solid waste, a copy of which is attached hereto and incorporated herein as if set forth word for word, are hereby approved. (Ord. No. 02-18, Sec. 1.)

5.16.05 Existing contract The extended and renewed contract for collection, recycling and disposal of solid waste between the city of Mountain Home, Arkansas, and R.L.H. Sanitation, Inc., was executed on January 8, 2001; and the same is hereby extended upon the valid execution, effective date, and operation of the attached form contract. The term of the renewed contract shall extend beyond its present expiration date of December 31, 2005, to December 31, 2007. (Ord. No. 02-18, Sec. 2.)

5.16.06 Authorization The Mayor, Joe Dillard, is hereby authorized and directed to execute the contract on behalf of the city of Mountain Home, Arkansas. (Ord. No. 02-18, Sec. 3.)

5.16.07 Rates R.L.H., Inc. be and hereby is authorized to increase its fees by 5% for commercial and households; that the new monthly household rate be increased by a rounded down 35 cents per month, for a total monthly charge of \$8.10 for residential household regular pickups, and that such increases may take effect immediately, or as soon hereafter as the billing agent may effect the changes. (Ord. No. 02-31, Sec. 1.)

5.16.08 Franchisee's Obligations. R.L.H. Sanitation, Inc., agrees to the following:

- A. Applicant shall furnish: suitable leak-proof pickup and carrying equipment and design, and shall provide the city with a list of all such equipment.
- B. The applicant will provide metal sanitary containers for use by business and commercial customers.
- C. Applicant shall furnish suitable personnel and equipment to insure that the sanitary disposal locations, operations and/or facilities will continue in an approved status with the Department of Pollution Control and Ecology of the State of Arkansas.
- D. The applicant agrees that each separate apartment shall be considered as household in determining the amount to be charged for service to an apartment unit, unless service is by commercial containers.
- E. That upon written request by the applicant, the City Council shall negotiate to the applicant fee increases equal to any increases in the consumer price index, using as a base October 31, 1993. Such increases shall not be granted nor requested more often than semi-annually.
- F. The applicant agrees that upon written request by the city, the applicant shall negotiate to the residents of the city of Mountain Home, Arkansas, (whether such be residential, industrial or commercial) fee decreases in the consumer price index, using as a base October 31, 1993. Such decreases shall not be granted nor requested more often than semi-annually.
- G. The applicant and the city agree that all the provisions of Ordinance 421 shall be made a part of this agreement.

- H. The applicant shall maintain a full-staffed office conveniently located in Mountain Home which shall be open between 7:00 a.m. and 4:00 p.m with the exception of a one (1) hour lunch period and on holidays.
- I. The applicant agrees that he has and will maintain and improve Federal Communications Commission (FCC) licensed two (2) way radio systems in every pickup and packer unit and in applicant's office so the office will be in constant contact with the pickup routes and the citizens served.
- J. The applicant agrees that no answering service shall be allowed during office hours except during the lunch period.
- K. The applicant agrees that upon the expiration of this contract, the city shall have an automatic right to renew for one (1) additional month upon its notification by the city.
- L. The applicant shall make available a sanitary landfill which shall conform to all state and federal requirements concerning sanitary landfills.
- M. The applicant shall furnish suitable equipment and personnel to perform all obligations under this agreement.
- N. The applicant agrees that in addition to its regular pickups, applicant will have a twice yearly "general cleanup" at which times all types of trash and refuse will be picked up at no additional charge for this service.
- O. For the protection of the city and applicant, applicant will provide liability insurance coverage for its vehicles and employees in the sum of One Hundred Thousand Dollars (\$100,000.00) per person for bodily injury liability, Three Hundred Thousand Dollars (\$300,000.00) per accident for bodily injury and Twenty-Five Thousand Dollars (\$25,000.00) property coverage per occurrence.
- P. The franchise may be terminated by the city for cause at any time.
- Q. This franchise shall become effective January 1, 1995, and shall continue for a term of five (5) years, subject to the provisions of this agreement.
- R. The applicant shall furnish to the city a list of all accounts, the size and number of containers at each account, and the fees charged on each of the commercial and industrial accounts. Said list shall be delivered to the city on the first Tuesday of December and the first Tuesday in May of each year during this agreement.

- S. The applicant shall maintain the accounts located in Mountain Home prior to any other accounts which it may have.
- T. The applicant agrees to pledge his personal assets to the operation of the business. (Ord. No. 92-001, as amended by Ord. No. 94-017, Franchise Agreement)

CHAPTER 5.20

ABANDONED CONTAINERS

Sections:

- 5.20.01 Abandoned containers with locking devices prohibited
- 5.20.02 Penalty

5.20.01 Abandoned containers with locking devices prohibited. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an air-tight door or lid, snaplock or other locking device, without first removing the door or lid, snaplock or other locking device from the icebox, refrigerator or container. (Ord. No. 820, Sec. 1)

5.20.02 Penalty.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not to exceed Fifty Dollars (\$50.00).
- B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 820, Sec. 2)

CHAPTER 5.24

SANITATION DEPARTMENT

Sections:

5.24.01	City Council designates solid waste collectors
5.24.02	Penalty for Section 5.24.01
5.24.03	Definitions
5.24.04	Plastic bags and containers
5.24.05	Specifications
5.24.06	Vehicles
5.24.07	Loose refuse
5.24.08	Receptacles
5.24.09	Sharp objects
5.24.10	Bundles
5.24.11	Dumping
5.24.12	Mandatory pickup
5.24.13	Maintenance
5.24.14	Tied bags
5.24.15	Corrugated paper
5.24.16	Hazardous waste
5.24.17	Public receptacles
5.24.18	Inspections
5.24.19	Abatement
5.24.20	Notice
5.24.21	Penalty for Sections 5.24.19 and 5.24.20
5.24.22	Solid waste accumulation
5.24.23	Service delays
5.24.24	Container placement
5.24.25	Contract limits
5.24.26	Fees
5.24.27	Fee exceptions
5.24.28	General Penalty
5.24.29	Recycling

5.24.01 City Council designates solid waste collectors

From and after the passage, approval and publication of this chapter, all garbage, waste, tin cans, trash and refuse in the city of Mountain Home, Arkansas, shall be collected as designated

by the City Council with the passage of a resolution, and no other person, firm or corporation shall be allowed to collect said garbage, waste, trash and refuse, except as designated by the City Council with the passage of a resolution. (Ord. No. 431, Sec. 1)

5.24.02 Penalty for Section 5.24.01 Any person, firm or corporation violating the provisions of Section 5.24.01 shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each day that such person is found guilty of collecting and hauling such garbage, waste, tin cans, trash and refuse for another shall be deemed a separate offense (unless sold by retailer). (Ord. No. 431, Sec. 2)

5.24.03 Definitions The following terms, as defined herein, shall mean the following:

- A. Refuse. The term "refuse" shall mean refuse, garbage, trash, rubbish, debris of any nature, including, without limitation, food waste, rejected animal or vegetable matter (whether or not intended for or resulting from the preparation of food), paper, clothing, grease, leaves, ashes, tin cans, bottles and solid waste of any nature whatsoever.
- B. Residential Refuse. The term "residential refuse" shall include any refuse generated by occupants of houses, buildings and premises used exclusively for residential purposes.
- C. Commercial Refuse. The term "commercial refuse" shall include any refuse generated as a by-product of any commercial and/or industrial operation.
- D. Commissioner. The term "commissioner" shall mean the person occupying the top managerial position of the system (Council Member). (Ord. No. 431, Sec. 3)

5.24.04 Plastic bags and containers Every residential user shall utilize plastic bags or containers of sufficient size, strength and number to hold the refuse which accumulates on the premises. Commercial customers shall use metal and/or plastic containers of their own choice no more than fifty (50) pounds each and no more than two (2) containers per pickup. (Ord. No. 431, Sec. 4)

5.24.05 Specifications The total weight of any contents of a container shall not exceed fifty (50) pounds. (Ord. No. 431, Sec. 5)

5.24.06 Vehicles No pickups or hauling of refuse shall be made except by authorized vehicles; except that large bulk loads such as refrigerators, trees, etc., may be hauled to dump grounds by individual owners or contractors. Authorized vehicles shall be those as to which the owner has a written contract with the city. (Ord. No. 431, Sec. 6)

5.24.07 Loose refuse Pickup crews shall not be required to pick up any loose refuse, except that caused by their own negligence. (Ord. No. 431, Sec. 7)

5.24.08 Receptacles

- A. It shall be unlawful for any person, other than one legally authorized to do so, to remove, displace, injure, deface, destroy, uncover or in any manner move or disturb any solid waste receptacle or in any manner withdraw or disturb any part or portion of the contents thereof.
- B. Furthermore, it shall be unlawful for any person, other than one legally authorized to do so, to dispose of waste in said receptacle. In all cases, the person who is "legally authorized to do so" shall be the person paying for such trash receptacle and service or an agent of that person. (Ord. No. 90-032, Sec. 1)

5.24.09 Sharp objects All broken glass and other sharp objects shall be wrapped in paper or other material to prevent punching holes in the bags. (Ord. No. 431, Sec. 9)

5.24.10 Bundles All residential refuse shall be placed in plastic bags and/or containers; however, limbs not over two inches (2") in diameter and not more than six feet (6') in length, may be tied in bundles of not more than two feet (2') in diameter. (Ord. No. 431, Sec. 10)

5.24.11 Dumping No person shall dump or allow to accumulate, either directly or through an employee, agent or licensee, any refuse in or upon any street, sidewalk, park or other public place, vacant lot or other vacant space or in or upon any premises, waterway, drainage basin or sewer within the city. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof in the Municipal Court of the city of Mountain Home, Arkansas, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each and every day of said violation shall be deemed a separate offense. (Ord. No. 431, Sec. 11)

5.24.12 Mandatory pickup The occupant of all structures located within the corporate limits of the city of Mountain Home, Arkansas, whether or not said structure be used for residential, business, industrial, commercial or other use, shall use the refuse pickup services provided for by this chapter and pay the charges specified by the resolution fixing the rates for such services and amendments thereto. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof in the District Court of the city of Mountain Home, Arkansas, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) and each and every day of said violation shall be deemed a separate offense. (Ord. No. 431, Sec. 12)

5.24.13 Maintenance All trash pickup points and containers shall be kept in a neat and sanitary condition. (Ord. No. 431, Sec. 13)

5.24.14 Tied bags All plastic bags placed for collection shall be tied with wire tie closures or their equivalent before being placed at a location for pickup. (Ord. No. 431, Sec. 14)

5.24.15 Corrugated paper Cardboard boxes may be placed for residential collection in bundles, provided they are flattened and securely tied. Bundles shall be of such size as to be easily handled by one (1) man and the bundles shall not exceed fifty (50) pounds in weight or maximum dimensions of four feet (4') square. (Ord. No. 431, Sec. 15)

5.24.16 Hazardous waste All waste materials, such as pesticides, acids, caustics, pathological waste, radioactive materials, ammunition, explosive materials, similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment and disposal equipment shall be disposed of as provided by the regulations of the agencies of the United States and the state of Arkansas. (Ord. No. 431, Sec. 16)

5.24.17 Public receptacles The city may place trash receptacles upon the sidewalks and in the parks and other places for the reception of trash, and it shall be unlawful for any unauthorized persons to tamper with, damage or deface any public trash receptacle for solid waste in the city. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not to exceed One Hundred Dollars (\$100.00). (Ord. No. 431, Sec. 17)

5.24.18 Inspections The City Council shall have the right to designate and employ some person or designate any officer of the city or any person in its employ, who shall make regular inspections of all premises, alleys, vacant lots and/or properties of the city, who shall have the power and is hereby empowered to order the owner of lots and other real property within the city of Mountain Home, Arkansas, to remove garbage, rubbish and other unsightly and unsanitary articles and things upon said property; and to eliminate, fill up or remove stagnant pools of water or other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community or city. (Ord. No. 431, Sec. 18)

5.24.19 Abatement If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any such condition or conditions as contained in the preceding paragraph, after notice is given in accordance with Section 5.24.20 of this chapter and the time required under such notice has expired, then the city is hereby authorized to do whatever is necessary to correct said condition or conditions and to charge the reasonable costs thereof to the owner or owners of said lot, lots or other real property and the city is hereby given a lien against such property for such costs. (Ord. No. 431, Sec. 19)

5.24.20 Notice The notice required in Section 5.24.19 shall be given in the same manner and form as in cases requiring notice to nonresident defendants in circuit court cases in the State of Arkansas. (Ord. No. 431, Sec. 20)

5.24.21 Penalty for Sections 5.24.19 and 5.24.20 In addition thereto, any person, firm or corporation failing to obey the notice hereinabove referred to in Section 5.24.20 shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed Ten Dollars (\$10.00). (Ord. No. 431, Sec. 21)

5.24.22 Solid waste accumulation Any person, firm or corporation who shall permit garbage, tin cans, broken glass, bottles, trash, rubbish or refuse to accumulate on their premises, except for the purpose of facilitating the collection of same by the garbage collector, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Twenty Dollars (\$20.00) and each day such accumulation of garbage and refuse is permitted to remain on said premises shall constitute a separate offense. (Ord. No. 431, Sec. 22)

5.24.23 Service delays If the person, firm or corporation who is authorized to pick up refuse does not pick up the refuse within twenty-four (24) hours from the time of regularly scheduled pickup, the person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00) and each and every day shall constitute a separate offense. (Ord. No. 431, Sec. 23)

5.24.24 Container placement If the person, firm or corporation who is authorized to pick up refuse damages containers or does not return containers to the place they were picked up from, the person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00). (Ord. No. 431, Sec. 24)

5.24.25 Contract limits It is distinctly provided that this chapter does not in any way obligate the party awarded the contract to clean or pick up refuse or debris resulting from construction, nor wood nor limbs resulting from removal of trees on private property. (Ord. No. 431, Sec. 25)

5.24.26 Fees The City Council shall have the power to reduce or increase the fees listed in the resolution fixing the rates for garbage pickup services. (Ord. No. 431, Sec. 26)

5.24.27 Fee exceptions If any person is too poor to pay the fee listed for said service, the person, firm, corporation or entity designated by the City Council to collect garbage, waste, trash and refuse within the city may relieve such person or persons from such payments. Provided, that in no event shall said person or persons be allowed to dispose of his/her garbage, waste, trash and refuse by his/her own means. (Ord. No. 2008-34, Sec. 1)

5.24.28 General penalty Any person, firm or corporation violating any of the provisions of this chapter, excepting where penalties are otherwise stated, shall be deemed, upon conviction thereof in the District Court of the city of Mountain Home, Arkansas, guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) and each and every day of said violation shall be deemed a separate offense. (Ord. No. 431, Sec. 28)

5.24.29 Recycling Nothing contained in Mountain Home City Ordinances 431, 432, 92-1 and 94-17 or any other ordinances or regulations of the city shall be construed to limit the ability of the city of Mountain Home, Arkansas, to establish or authorize "source separation" type recyclable materials collection services; or to establish or authorize mulching, chipping or grinding of such organic matter as leaves, grass clippings and limbs and to control all forms and stages of recycling within the city or within the city's jurisdiction. Provided, that, in establishing or authorizing such recycling activities, the city shall coordinate and counsel with the solid waste collection service then holding the franchise for the city of Mountain Home. (Ord. No. 92-6)

CHAPTER 5.28

LAND CONTAMINATION BY DRUGS

Sections:

5.28.01	Contamination violation
5.28.02	Adoption of the Clean-Up Guideline Booklet
5.28.03	Contamination site defined
5.28.04	Penalty
5.28.05	Restitution

5.28.01 Contamination violation It shall be a violation of this ordinance for any person to contaminate any property, land, air or water within the city of Mountain Home, Arkansas, by means of manufacturing (cooking) Methamphetamine or any similar illegal drug. Upon discovery of the manufacture (cooking) of Methamphetamine or any similar drug, it shall be the responsibility of the Chief of Police, or his designate, to take control of the property to determine if the property has been contaminated.

If the Chief of Police or his designate should find evidence of property contamination, the owner shall be advised to have the property vacated, and institute a proper decontamination according to the city adopted "Guideline Booklet for Cleaning Up Former Methamphetamine Lab." After the clean-up has been completed, the Chief of Police, or his designate, shall be provided confirmation of the property clean-up. (Ord. No. 01-11, Sec. 1.)

5.28.02 Adoption of the Clean-Up Guideline Booklet The city agrees to adopt the attached Mountain Home Police Department Guidelines booklet for the "Cleaning Up of Former Methamphetamine Labs," for the enforcement of this ordinance. (Ord. No. 01-11, Sec. 2.)

5.28.03 Contamination site defined Many of the ingredients used in the manufacture of Methamphetamine, or similar drugs, are known to be hazardous substance. These substances are, but not limited to, hydrochloric acid, ephedrine, anhydrous ammonia, acetone, paint thinner, sodium hydroxide, lithium from batteries, and phosphorous from matches and flares. Physical evidence that a combination of these substances have been mixed and heated, and that hazardous vapors and residue are present in the structure, constitute a contaminated site. (Ord. No. 01-11, Sec. 3.)

5.28.04 Penalty Any person violating any provision of this ordinance, shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or confinement in jail for not more than one (1) year, or both. (Ord. No. 01-11, Sec. 4.)

5.28.05 Restitution Any person deemed guilty of any provision of this ordinance, may be ordered to make restitution to aggrieved parties for the contamination and/or damage to this property by this offense. (Ord. No. 2001-11, Sec. 5.)

CHAPTER 5.32

NORTHWEST ARKANSAS SOLID WASTE MANAGEMENT DISTRICT

Sections:

- | | |
|---------|--------------------------------|
| 5.32.01 | Exclusive contract |
| 5.32.02 | Waiver of bidding requirements |
| 5.32.03 | Rate increase |

5.32.01 Exclusive contract It is in the best interest of the city of Mountain Home, as well as being mandated by existing ordinances, that the city enter and now to extend an exclusive contract with a person or entity well-qualified to provide Solid Waste Disposal services for the city and that such services not be provided by more than one such provider at any time. (Ord. No. 2006-32, Sec. 2.)

5.32.02 Waiver of bidding requirements Because of the exceptional situation involved in Solid Waste Disposal, the substantial capital cost involved, the need for experienced and qualified operators, the continuation of trial and test programs which benefit the city, the potential for damage to the environment, health and welfare of the citizens of the city, and the difficulty in establishing completely objective specifications by citizens of Mountain Home, and the City Council is hereby authorized to negotiate through its Mayor and other employees and ultimately approve and confirm a contract or contracts, particularly that Interlocal Agreement dated 12-7-2006; such extension to run through midnight on 12-31-2011, on an exclusive basis, with Northwest Arkansas Regional Solid Waste Management District, Inc. for Solid Waste Disposal. (Ord. No. 2006-32, Sec. 3.)

Mountain Home Commercial Rate Sheet

15% increase

Bin	1 per wk.	2 per wk.	3 per wk.	4 per wk.	5 per wk.	Spec P/U
1 ½ yd	54.15	93.52	134.64	174.72	215.04	13.54
2 yds.	64.03	103.88	143.67	183.52	222.69	16.01
3 yds.	87.57	146.68	205.66	264.80	324.01	21.89
4 yds.	110.93	189.57	268.62	347.93	434.68	27.73
5 yds.	134.77	232.24	329.61	427.17	524.35	33.69
6 yds.	155.78	272.27	388.26	505.17	621.61	38.95
7 yds.	181.17	317.03	452.78	581.83	724.65	45.29
8 yds.	207.91	363.00	518.01	673.31	828.15	51.98

Small Commercial

	Monthly	Quarterly
2 cans	10.87	32.80
3 cans	18.90	56.60
4 cans	26.94	80.83
5 cans	34.08	104.95
6 cans	43.02	129.07
7 cans	51.05	153.15
8 cans	59.23	177.68
9 cans	67.13	201.39
10 cans	75.17	225.50
1 cart	26.70	80.11
2 carts	53.41	160.22
3 carts	80.11	240.33

Residential in City Rates

Code	Service Type	Monthly	Quarterly
1	Residential wkly P/N	9.72	29.16
3	1 P/U per month	4.03	12.09
4	Residential 1 cart	12.88	38.64
5	Duplex	19.44	58.32
6	Residential 2 carts	16.04	48.12
7	Residential 3 carts	19.21	57.63
8	Duplex 1 cart	22.60	67.80
9	Duplex 2 carts	25.76	77.28

Rolloff Rates/ in city

Delivery fee: \$34.50

20 yd. \$264.55 Pull Fee

30 yd. \$374.50 Pull Fee

40 yd. \$484.50 Pull Fee

(Ord. No. 2008-23, Sec. 1.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs and Cats
- 6.05 Dog and Cat Licensing
- 6.08 Other Animals and Fowl

CHAPTER 6.04

DOGS AND CATS

Sections:

- 6.04.01 Definitions
- 6.04.02 Enforcement
- 6.04.03 Restraint
- 6.04.04 Impoundment
- 6.04.05 Redemption of impounded animals
- 6.04.06 Impoundment fees
- 6.04.07 Confinement of certain animals
- 6.04.08 Rabies control
- 6.04.09 Contracting animal control
- 6.04.10 Investigation
- 6.04.11 Interference
- 6.04.12 Records
- 6.04.13 Penalty
- 6.04.14 Pit Bull Terrier
- 6.04.15 Destruction of dogs
- 6.04.16 Hydrophobia (rabies)

6.04.01 Definitions.

As used in this chapter, the following terms, when used singularly, shall include the plural and shall mean:

Owner: Any person, firm or corporation owning, keeping or harboring an animal.

Animal: Dog or cat, male or female.

Kennel: Any person, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding animals.

At Large: Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

Restraint: An animal is under restraint within the meaning of this chapter if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owners or keepers.

Animal Shelter: Any premises designated by action of the city for the purpose of impounding and caring for all animals in violation of this chapter.

Animal Warden: The person or persons employed by the city as its enforcement officer.

Exposed To Rabies: An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been exposed to, any animal known to have been infected with rabies. (Ord. No. 530, Sec. 1)

6.04.02 Enforcement. The provisions of this chapter shall be enforced by the Animal Control Officer of the city of Mountain Home, Arkansas. (Ord. No. 530, Sec. 2)

6.04.03 Restraint.

- A. The owner shall keep his animal under restraint at all times and shall not permit such animal to be at large. Furthermore, the owner shall keep his animal from barking or making noise in such a manner that would constitute a nuisance.

- B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property that is located in a residential zone of the city. (Ord. No. 89-024, Sec. 1)

6.04.04 Impoundment.

- A. Any animal found running at large shall be taken up by the Animal Control Officer and impounded in the shelter designated as the City Animal Shelter, and there confined in a humane manner for a period of not less than seven (7) days, and if not claimed by the owner within the seven (7) days, may thereafter be disposed of in a humane manner.

6.04.05 Redemption of impounded animals. The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of impoundment fees set forth herein. (Ord. No. 530, Sec. 5)

6.04.06 Impoundment fees. The owner of an animal impounded hereunder may reclaim such animal upon payment to the animal shelter of the sum of Four Dollars (\$4.00) board fee for each day the animal is kept, beginning on the day of pickup, and for each separate and subsequent impoundment of any animal, an additional fee of Fifteen Dollars (\$15.00) shall be assessed in addition to the Four Dollar (\$4.00) per day board fee. Said assessment shall be paid to the city of Mountain Home and returned to Pet Haven on a monthly basis. (Ord. No. 778, Sec. 1)

6.04.07 Confinement of certain animals.

- A. Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such a manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes.
- B. No wild animal may be kept within the city limits of the city of Mountain Home, Arkansas, except under such conditions as shall be fixed by the city of Mountain Home, Arkansas; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the city of Mountain Home.
- C. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian. (Ord. No. 530, Sec. 7)

6.04.08 Rabies control.

- A. Every animal which bites a person shall be promptly reported to the Animal Control Officer, if suspected of having rabies or suspected of being exposed to rabies, and shall thereupon be securely quarantined at the direction of a

veterinarian for a period of ten (10) days and shall not be released from such quarantine except by written permission of the veterinarian, such quarantine may be on the premises of the owner or City Animal Shelter.

- B. Upon demand made by the Animal Shelter, the owner shall forthwith surrender any animal which has bitten a human or which is suspected as having been exposed to rabies, for supervised quarantine, which expenses shall be borne by the owner, and such animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in Section 6.04.06 of this chapter.
- C. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted by the Animal Shelter during a period of rabies emergency quarantine, except by special authorization of a public health official and the Animal Control Officer. A current rabies tag shall be worn by animals at all times.
- D. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, or remove same from the city limits without written permission from the Animal Control Officer upon written recommendation from a veterinarian. (Ord. No. 530, Sec. 8)

6.04.09 Contracting animal control. The Mayor of the city of Mountain Home, Arkansas, shall be and is hereby authorized to contract with any person, firm or corporation for services as an Animal Control Officer and/or Animal Shelter. Terms, conditions and compensation for such services shall be mutually agreed to by the Mayor and the person selected to fulfill this capacity upon approval by the City Council. (Ord. No. 530, Sec. 9)

6.04.10 Investigation. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the Animal Control Officer or any police officer is empowered to enter upon any premises using proper legal procedures upon which an animal is kept or harbored or where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment. (Ord. No. 530, Sec. 10)

6.04.11 Interference. No person shall interfere with, hinder or molest the Animal Control Officer in the performance of his duties or seek to release any animal in the custody of the Animal Control Officer. (Ord. No. 530, Sec. 11)

6.04.12 Records.

- A. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- B. It shall be the duty of the Animal Control Officer or Animal Shelter to keep or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same.
- C. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city of Mountain Home, Arkansas, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city. (Ord. No. 530, Sec. 12)

6.04.13 Penalty. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and punished by a fine not less than Ten Dollars (\$10.00) nor more than Two Hundred and Fifty Dollars (\$250.00) and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. 530, Sec. 13)

6.04.14 Pit Bull Terrier.

- A. No person shall own, keep or harbor a pit bull terrier as defined herein, within the municipal limits of the city of Mountain Home, Arkansas. Provided, that a person may own, keep or harbor a pit bull terrier within the municipal limits of the city of Mountain Home, Arkansas, if the pit bull terrier is present in the city at the time of passage of this section and if such person registers said pit bull terrier with the City Clerk within thirty (30) days from the date of passage of this section.
 - 1. **"Pit Bull Terrier"** as used herein, is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixedbreed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

- B. This section is a necessary control to eliminate the risk of attack by pit bulls, as defined herein, on human beings in the city. Said risk has become a threat to the health, safety and welfare of the public in all areas of the city; and the lack of knowledge or lack of intent is not a defense to any violation thereof. (Ord. No. 90-012, Sec. 1)
- C. Whoever violates the provisions of Section 6.04.14 shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than thirty (30) days, or both. When any person is found guilty of a third or subsequent offense of Section 6.04.14, such person may be imprisoned for not more than sixty (60) days and shall be fined One Thousand Dollars (\$1,000.00), which fine shall be mandatory, and shall not be suspended or remitted. In addition to the foregoing penalties, any person who is found guilty of violating Section 6.04.14 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, boarding and veterinary expenses necessitated by the seizure of the dog for the protection of the public and such other expenses as may be required for the elimination of any such dog. (Ord. No. 89-031, Sec. 3)

6.04.15 Destruction of Dogs. Any dog taken up by the city of Mountain Home, Arkansas, its servants, agents or employees, and which said dog is so injured or diseased as in the discretion of such city makes the destruction of said dog advisable, shall be forthwith killed and disposed of by such city and any other dog or dogs taken up by such city shall be held for a period of seventy-two (72) hours and unless within such time called for by owner, keeper or harborer of said dog, and all taxes and impounding fees due thereon paid, may be disposed of by said city as it is deemed best for the welfare of said dog and the public interest. Any owner, keeper or harborer of said dog who shall call for the same within limited time above shall in addition to paying all taxes due on said dog pay in addition a pound fee of not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00) before receiving the possession of said dog from such city. Provided, that prior to destroying a dog which carries its owner's address, the municipality shall give the dog's owner at least five (5) days' notice by certified letter of the date of the proposed destruction of the dog.

6.04.16 Hydrophobia (rabies). In the event of the prevalence of hydrophobia (rabies) to such an extent as in the discretion of the city of Mountain Home, Arkansas, to make such action advisable, said city may by proclamation require that all dogs owned, kept or harbored in the city be kept confined upon the premises of the owners, keepers or harborers of such dogs for such time as may be designated in such proclamation, and such proclamation to take effect upon publication thereof by such city in a newspaper having a general and bona fide circulation in the city of Mountain Home, Arkansas, and any dog not so confined after the effective date of such proclamation shall be taken up by such city and disposed of as provided in Section 6.04.15.

CHAPTER 6.05

DOG AND CAT LICENSING

Sections:

6.05.01	Definitions
6.05.02	Enforcement
6.05.03	Contracting Animal Control
6.05.04	Licensing
6.05.05	Restraint
6.05.06	Investigation
6.05.07	Impoundment
6.05.08	Confinement of Certain Animals
6.05.09	Rabies Control
6.05.10	Pit Bull Terrier
6.05.11	Destruction of injured/diseased dogs
6.05.12	Records
6.05.13	Penalty

6.05.01 Definitions. For the purpose of the chapter, the following words and phrases shall have the following meaning:

Animal: Dog or cat, both male and female

Animal Control Officer: The person(s) employed by the City as the enforcement officers for this chapter.

Animal Shelter: Any premises designated by the City for the purpose of impounding and caring for animals.

At Large: Any animal shall be deemed at large when he is off the property of his owner and not on a leash, or under the control of a competent person.

Enclosure: A fence or structure suitable to confine an animal and prevent it from escaping.

Exposed to Rabies: An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies. (See Section 6.04.01 (H))

Kennel: Any person, firm, or corporation engaged in the commercial business of breeding, boarding, buying, selling, grooming, letting for hire, or training for a fee.

License: A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The Certificate will state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the animal; and date of issue and expiration.

Owner: Any person, firm, or corporation owning, keeping or harboring an animal, or responsible for its care, custody, or control.

Pit Bull Terrier: Any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog; or any mixed breed of dog which contains an element of American Staffordshire Bull Terrier.

Restraint: An animal is under restraint if he is controlled by a leash, at “heel” by voice command beside a competent person, in a vehicle being driven on the streets, or within the property limits of its owner.

Vicious Animal: Any animal that attacks, bites, or injures human beings or domestic animals without adequate provocation. However, the fact that an animal has bitten or attempted to bite someone when that person was teasing the animal shall not constitute a vicious animal. (Ord. No. 96-018, Sec. I)

6.05.02 Enforcement. The provisions of the chapter shall be enforced by the Animal Control Officer of the city of Mountain Home, Arkansas. (Ord. No. 96-018, Sec. III)

6.05.03 Contracting Animal Control. The Mayor of the city of Mountain Home is authorized to hire/contract with any person, firm, or corporation for services as an Animal Control Officer and/or Animal Shelter. Terms, conditions, and compensation for such services shall be agreed to by the Mayor and the contractor, subject to approval by the City Council. (Ord. No. 96-018, Sec. III)

6.05.04 Licensing.

- A. All dogs and cats over the age of six (6) months shall be licensed. Application for licenses shall be made at the City Hall, or designated place. Owner shall be required to show proof of neutering (if applicable), and proof of rabies vaccination. Licensing fees are Five Dollars (\$5.00) per year for neutered animals, and Ten Dollars (\$10.00) per year for unneutered animals. Fees will be doubled if over thirty (30) days delinquent. There will be a Two Dollar (\$2.00) replacement charge for lost tags.
- B. For registered dogs serving the blind or deaf or used for law enforcement purposes, the fee will be waived.
- C. The licensing period will be for one year and will be concurrent with the rabies vaccination.
- D. Tags must be attached to the collar and be worn at all times. Tags are not transferrable from one dog or cat to another. (Ord. No. 96-018, Sec. II)

6.05.05 Restraint.

- A. The owner shall keep his animal under restraint at all times and shall not permit the animal to be at large. Furthermore, the owner shall keep his animal from barking or making noise in such a manner that would constitute a nuisance.
- B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property in the residential zone of the City.
- C. No one may keep a vicious animal in the city of Mountain Home. (Ord. No. 96-018, Sec V)

6.05.06 Investigation.

- A. The Animal Control Officer or any police officer is empowered to enter upon any premise, using proper legal procedures, and investigate any complaint of animal cruelty. The officer may demand to examine any animal and, if necessary, take possession of the animal if it is in need of humane treatment. No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duties, or seek to release any animal in the custody of the officer.
- B. If any person shall torture, torment, drive, overload, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.
- C. It shall be unlawful for any person to knowingly release any animal within the corporate limits of the city of Mountain Home. Violation of this section will be punishable of a fine up to Two Hundred and Fifty Dollars (\$250.00) per animal.
- D. No person may display animals for sale or to give away in any public place. This prohibition does not apply to pet shops, licensed kennels, humane societies, veterinarian's offices or animal control facilities. (Ord. No. 96-018, Sec. VI)

6.05.07 Impoundment.

- A. Any animal found running at large shall be taken up by the Animal Control Officer. If the animal is wearing a license tag, the Animal Control Officer will make every possible effort to notify the owners and return the animal. A Ten Dollar (\$10.00) fine will be assessed for a licensed animal.
- B. If the at large animal is not wearing a license tag, the Animal Control Officer may impound the animal at the Animal Control Shelter. A Twenty Dollar fine will be assessed for an unlicensed animal.
- C. Animals impounded at the Animal Control Shelter will be held for a reasonable length of time, in compliance with the rules of the Animal Control Shelter. Fees will be assessed for reclaiming, boarding, and adoption. Disposal of animals will be at the discretion of the Animal Control Shelter.
- D. The Animal Control Officer may, at their discretion, cite the owner of the animal for a violation of this chapter and schedule their appearance in Municipal Court. (Ord. No. 96-018, Sec VII)

6.05.08 Confinement of certain animals.

- A. Every female animal in heat shall be confined to the owner's property, or in a kennel or veterinary hospital, in such a manner that such female animal cannot come in contact with a male animal, except for breeding purposes.
- B. No wild or exotic animal may be kept within the City limits of the City except under such conditions as shall be fixed by the city of Mountain Home. However, wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations established by the City.
- C. The keeping of horses or cows within the city limits is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. The enclosures shall not become harbors for breeding flies, mosquitoes or rats. They shall not be unsanitary, obnoxious, unhealthful or discomforting to any of the citizens of the city. Upon investigating and finding such conditions to exist, the proper law enforcement official shall serve written notice of the violation to the owners or posting the notice in a conspicuous place on the premises. The owner shall have five (5) days, to correct the situation. If the situation is not corrected in five (5) days, the owner will be charged with a violation of this chapter and scheduled for appearance in Municipal Court.
- D. It shall be unlawful for any person to keep any hogs, goats or sheep within the City. Animals in transit may be kept in an established stockyard for a period not to exceed twenty-four (24) hours.
- E. No person shall be allowed to transport into this city any animal infected with a contagious disease.
- F. It shall be unlawful for any person to allow chickens, turkeys or other fowl to run at large within the City limits.
- G. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian. (Ord. No. 96-018, Sec. VIII)

6.05.09 Rabies Control.

- A. Every animal suspected of having/being exposed to rabies which bites a person shall be promptly reported to the Animal Control Officer. The animal shall be securely quarantined at the direction of a veterinarian for period of ten (10) days and shall not be released from quarantine except by written permission of the veterinarian. The quarantine may be on the premises of the owner.

- B. No person shall kill a (suspected) rabid animal, or any animal biting a human, without written permission from the Animal Control Officer upon recommendation from a veterinarian. The animal may not be removed from the city limits without permission from the Animal Control Officer.
- C. In the event of the prevalence of rabies (Hydrophobia), the City may require that all animals kept in the city be confined upon the premises of the owners for a designated time. The proclamation will be publicized in the media. Any dog not confined after the effective date of the proclamation shall be taken up the City and impounded at the discretion of the Animal Control Officer. (Ord. No. 96-018, Sec IX)

6.05.10 Pit Bull Terrier.

- A. No person shall own or keep a pit bull terrier within the municipal limits of the city of Mountain Home.
- B. This section is a necessary control to eliminate the risk of attack by pit bulls on human beings in the City. Lack of knowledge or lack of intent is not a defense.
- C. Whoever is found guilty of violating the provisions of this section shall be fined not more than Five Hundred Dollars (\$500.00), or be imprisoned for more than thirty (30) days. Three (3) or more offenses may be fined One Thousand Dollars (\$1000.00) and imprisoned up to sixty (60) days. The fine will be mandatory and shall not be suspended or remitted.
- D. Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of the dog for the protection of the public. (Ord. No. 96-018, Sec. X)

6.05.11 Destruction of dogs. Any dog taken into custody by the City that is diseased or injured may be destroyed, at the discretion of the Animal Control Officer. (Ord. No. 96-018, Sec. XI)

6.05.12 Records.

- A. It shall be the duty of the Animal Control Officer to keep accurate and detailed records of any animal licensed by the City, or any animal taken into custody.
- B. The Animal Control Officer will keep records of all bite cases reported and investigated to him.
- C. The Animal Shelter will keep records of all animals received from the city of Mountain Home. (Ord. No. 96-018, Sec. XII)

6.05.13 Penalty Any person violating this chapter shall be guilty of a misdemeanor and punished by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred dollars (\$500.00). Each day's violation shall be a separate offense. (Ord. No. 96-018, Sec. XIII.)

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

- 6.08.01 Horses and cows
- 6.08.02 Hogs, goats and sheep
- 6.08.03 Diseased animals
- 6.08.04 Releasing animals
- 6.08.05 Fowl
- 6.08.06 Cruelty to animals

- 6.08.01 Horses and cows.

- A. It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city of Mountain Home, Arkansas, any cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

- B. The keeping of horses or cows within the corporate limits of the city of Mountain Home, Arkansas, is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.

- C. The keeping of horses and cows in enclosures as herein provided within the corporate limits of the city of Mountain Home, Arkansas, shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.08.02 Hogs, goats and sheep. It shall be unlawful for any person to keep any hogs, goats or sheep within the corporate limits of the city of Mountain Home, Arkansas, or to permit any such animals to run at large within the city; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.
STATE LAW REFERENCE - See A.C.A. 14-54-1101

6.08.03 Diseased animals. No person shall be allowed to transport into this city any animal infected with a contagious disease.

6.08.04 Releasing animals. It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city of Mountain Home, Arkansas.

6.08.05 Fowl. It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the corporate limits of the city of Mountain Home, Arkansas.

6.08.06 Cruelty to animals. If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims against City
- 7.24 Storage and Handling of Hazardous Materials, Gases and Liquids
- 7.28 Outside Fire Service
- 7.32 Alcoholic Beverage Purchases
- 7.36 Hot Checks
- 7.40 Trespassing and Illegal Congregating
- 7.44 Public Display of Materials to Minors
- 7.48 Motion Picture Ratings
- 7.52 Skateboards Prohibited
- 7.56 Fireworks
- 7.60 Outside Burning of Yard Waste
- 7.64 Tobacco Free Zones
- 7.68 Sexually Oriented Businesses
- 7.72 Noise within City Limits
- 7.76 Signs
- 7.80 Novelty Lighters

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 All criminal statutes of the state relating to misdemeanors and violations and the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the office of the City Clerk, are hereby enacted by the City Council of the city of Mountain Home, Arkansas, to form a part of the laws of the city and any

person, firm or corporation being found guilty of the violation of any such laws 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.

STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted

The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city.

STATE LAW REFERENCE - A. C.A. 14-55-502

CHAPTER 7.08

CURFEW

Sections:

- | | |
|---------|--|
| 7.08.01 | Civil emergencies |
| 7.08.02 | Congregating during state of emergency |
| 7.08.03 | Penalty |

7.08.01 Civil emergencies The Mayor of the city of Mountain Home, Arkansas, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.08.02 Congregating during state of emergency No person shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.08.03 Penalty Any person violating any of the provisions of this chapter, shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

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

7.12.02 Definitions.

- A. A person commits the offense of loitering if he:
1. lingers, remains, or prowls in a public place or on 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
 2. 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
 3. lingers or remains in a public place or on the premise of another for the purpose of begging; or
 4. lingers or remains in a public place for the purpose of unlawfully gambling; or
 5. 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

6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
 7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or
 2. refuses to identify himself; or
 3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under Section 7.12.02(A)(1), 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.
- D. It shall be a defense to a prosecution under Section 7.12.02(A)(1) 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.

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

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful to carry, exchange
- 7.16.02 Firearm discharge prohibited

7.16.01 Unlawful to carry, exchange.

- A. 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. It shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapples switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.
- B. Possession of Firearms or Air Guns Within City Parks; and Hunting and/or Trapping Within City Recreational Facilities.

It shall be unlawful for an individual to carry a firearm or an air gun within any recreational facility owned by the city. Furthermore, it shall be unlawful to hunt or trap animals within recreational facilities owned by the city. If any person shall be deemed in violation of this section, he/she shall be deemed guilty of a misdemeanor and, upon conviction, be subject to a maximum fine of Two Hundred Fifty Dollars (\$250.00). (Ord. No. 90-036, Sec. 1)

7.16.02 Firearm discharge prohibited.

- A. Definitions.
 - 1. Firearms: An instrument used in the propulsion of shot, shell or bullets by the action of gunpowder exploded within it. This word comprises but is not limited to rifles, carbines, shotguns, revolvers and pistols.
 - 2. Air Guns: An instrument used in the propulsion of a pellet, B-B or any other projectile by the action of air, gas or spring.

- B. Discharging Firearms. It shall be unlawful to discharge a firearm or an air gun within the boundaries of the city of Mountain Home, Arkansas, unless in self-defense or in the execution of legal process. If a person shall be found guilty of discharging a firearm or air gun within the city of Mountain Home, Arkansas, he shall be deemed guilty of a misdemeanor and upon conviction, be subject to a maximum fine of Five Hundred Dollars (\$500.00). (Ord. No. 833, Sec. 1)

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

- | | |
|---------|----------------------|
| 7.20.01 | Liability coverage |
| 7.20.02 | Settlement of claims |

7.20.01 Liability coverage. The city of Mountain Home, Arkansas, shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.

STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims. All persons having claims against the city of Mountain Home, Arkansas, may file them with the City Clerk. The City Clerk shall present them to the City Council. The City Council may grant a hearing for the claimant and may authorize a settlement.

STATE LAW REFERENCE - See A.C.A. 21-9-302

CHAPTER 7.24

STORAGE AND HANDLING OF HAZARDOUS

MATERIALS, GASES AND LIQUIDS

Sections:

7.24.01	Flammable and combustible storage tanks
7.24.02	Liquefied petroleum gases
7.24.03	Special provision on aboveground tanks
7.24.04	Tankers
7.24.05	Definitions
7.24.06	Permits and fees
7.24.07	New underground storage tank systems
7.24.08	Existing underground storage tanks
7.24.09	Monitoring records
7.24.10	Penalty
7.24.11	Explosives
7.24.12	Drainage system
7.24.13	Hazardous Material Response Team established

7.24.01 Flammable and combustible storage tanks. It shall be unlawful for any person, firm or corporation to store any flammable, combustible liquids or hazardous materials, as defined by the Arkansas Fire Prevention Code, in aboveground storage tanks; provided, this prohibition shall not apply to aboveground storage tanks existing as of June 5, 1989, which are installed in compliance with the Arkansas Fire Prevention Code or the National Fire Protection Association's Standard No. 30 entitled "Flammable and Combustible Liquids Code". The Fire Chief, or his designated agent, shall have the authority to require the removal of any aboveground storage tank existing as of June 5, 1989, upon a determination that the tank creates a safety hazard to life and property. (Ord. No. 91-010, Sec. I)

7.24.02 Liquefied petroleum gases. No new aboveground tank farms shall be constructed in the city limits of the city of Mountain Home, Arkansas. (Ord. No. 91-010, Sec. II)

7.24.03 Special provision on aboveground tanks.

- A. Nothing in this chapter shall prohibit the use of above-ground tanks having capacities between sixty (60) and six hundred (600) gallons for farm and industrial use, providing they are installed and maintained according to the Arkansas Fire Prevention Code and National Fire Protection Association (NFPA) No. 30, 1993 Edition. (Ord. No. 91-010 Sec. III as amended by Ord. No. 95-011, Sec. 1)
- B. All underground piping must be secondary containment. (Ord. No. 91-010, Sec. III)

7.24.04 Tankers.

- A. It shall be unlawful for any person to leave unattended their tanker, while loading or unloading a flammable liquid or gas or combustible liquid. The driver must have an unobstructed view of the cargo tank, be within twenty-five (25) feet of the cargo tank shutoff valve and adhere to other requirements set forth in the Fire Prevention Code.
- B. The Fire Department official must be notified of spills of five (5) gallons or more.
- C. All tankers hauling flammables, combustible and other hazardous materials must display proper placards.
- D. Tank fill pits without overfill protection must be kept free of any over-spilled product. It shall be unlawful to dump product in fill pit without overfill protection if product is found in the pit. If product is found in the pit, the Fire Official must be notified before product is loaded.
- E. Unless the engine of the motor vehicle is to be used for the operation of a pump, no flammable liquid shall be loaded into, or on, or unloaded from any motor vehicle while the engine is running. (Ord. No. 91-010, Sec. IV)

7.24.05 Definitions.

- A. ADPC&E - Arkansas Department of Pollution Control and Ecology.
- B. ADPC&E Regulations - Arkansas Department of Pollution Control and Ecology Regulation No. 12, Regulated Storage Tank Regulations.

- C. Secondary Containment System - Shall include piping, tanks, valves, pumps and other components which are connected to the underground system according to the manufacturer's design and testing requirements and which are encased in another encasement. (Ord. No. 91-010, Sec. V)

7.24.06 Permits and fees.

- A. All permits shall be Five Dollars (\$5.00) unless otherwise stated in this chapter.
- B. A permit must be obtained from the Mountain Home Fire Department before any new installation, removal and work and/or testing is done on the storage system. The system shall include supply piping, vent piping, tanks and valves.
- C. A plan for new installations shall be submitted to the Fire Inspector for review.
- D. Failure to obtain such permit will cause a fine to be applied as set forth in this chapter. (Ord. No. 91-010, Sec. VI)

7.24.07 New underground storage tank systems.

- A. All new underground storage tank systems must be installed in complete compliance with NFPA No. 30 and 30 A, 1993 Edition, and Environmental Protection Agency (EPA) 40 CFR 280 and Arkansas Department of Pollution Control and Ecology (ADPC&E) Regulation No. 12, and API 1615, 1987 Edition. (Ord. No. 91-010, Sec. VII, as amended by Ord. No. 95-011, Sec. 2)
- B. All piping installed after passage of this chapter must be of an approved secondary containment type system.
- C. All pressurized piping must be tested annually regardless of age in accordance with ADPC&E Regulations. (Ord. No. 91-010, Sec. VII)

7.24.08 Existing underground storage tanks.

- A. Existing underground storage tanks that have been installed prior to Act 172 of 1989 of the State of Arkansas must be tested in accordance with ADPC&E Regulations.
- B. All secondary containment systems must meet test intervals of manufacturers and EPA requirements.
- C. All secondary containment systems must be installed with approved water and flammable leak detection.
- D. All installers, removal and testing personnel must be certified by ADPC&E.

- E. All tanks which have not been in use for ninety (90) days or have been abandoned must be removed within fourteen (14) days or a special permit may be obtained for up to one (1) year for temporary abandonment. The permit may be obtained from the Mountain Home Fire Department. Tank and piping must be tested before putting back in service. The Fire Department must be notified within five (5) days of any tank which is to be put out of service.
- F. All tanks and supply piping systems which fail the tightness test must be put out of service and removed or repaired immediately.
- G. All existing underground storage tanks and piping which were installed prior to Act 172 of 1989 and have not been upgraded according to the EPA time table schedule, must be upgraded within ninety (90) days after passage of this chapter or be put out of service until corrected.
- H. A complete report for tightness testing of the storage system must be filed with the Fire Department Office after the tests have been completed. (Ord. No. 91-010, Sec. VIII)
- I. On existing systems where piping is being repaired or replaced, the piping must be of an approved secondary containment system. If fifty percent (50%) or more is being upgraded, then all of the piping system shall be upgraded to an approved secondary containment system. (Ord. No. 95-011, Sec. 3)

7.24.09 Monitoring records.

- A. Monitoring records must be kept in accordance with EPA and ADPC&E regulations at a readily available site and be provided for inspection to the implementing agency upon request.
- B. When deliveries are made to the storage system sites, a record must be kept of date and time of delivery, amount of delivery and the transport driver's name and the company name. (Ord. No. 91-010, Sec. IX)

7.24.10 Penalty. For any violation of this chapter, a citation may be issued by the fire officials of the Mountain Home Fire Department or law enforcement officials. Upon conviction, a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each violation shall be levied. All violations must be reported to the ADPC&E. (Ord. No. 91-010, Sec. X)

7.24.11 Explosives.

A. Definitions. The following definitions shall apply to this chapter.

1. Person - means an individual, firm, partnership, corporation or entity other than a public utility as described in Section 7.24.11(A)(3).
2. Audible Sound Service - means a device which produces an audible sound of no less than seventy (70) decibels at a distance of five hundred (500) feet from the site of the explosion and shall not be or include a truck or vehicle horn or siren.
3. Public Utility - means an individual, firm, partnership or corporation which furnishes a public utility type service to the inhabitants of the city of Mountain Home, Arkansas, or immediate areas adjacent thereto pursuant to a franchise, consent or contract with the city of Mountain Home, Arkansas, but shall not include employees of a parent or subsidiary corporation, firm or enterprise performing work for a public utility company.
4. Approved Blasting Operations - means blasting pursuant to a permit issued to any person or public utility pursuant to the provisions of this chapter.
5. City - means the city of Mountain Home, Arkansas, and its corporate limits as now existing or hereinafter established. (Ord. No. 91-009, Sec. 1)

B. Storage, Transportation And Use Prohibited. The storage, transportation or use of nitroglycerin based explosives or blasting agents is hereby prohibited within the city of Mountain Home, Arkansas. (Ord. No. 91-009, Sec. 2)

C. Manufacture, Sale, Storage And Use Prohibited.

1. The manufacture, sale, storage and use of explosives and blasting agents is prohibited within the city of Mountain Home, Arkansas, except for temporary storage, transportation and use in connection with approved blasting operations by a person or public utility, and the storage and sale of wholesale and retail stocks of small firearms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds of explosive material.

2. "Temporary Storage" means that amount of high explosives which will be used in the current day's operations, and that permissible high explosives shall not be left at any site or project during nonworking hours. (Ord. No. 91-009, Sec. 3)
- D. Permissible High Explosives. Only non-nitroglycerin products as hereinafter authorized including but not limited to, water gels and slurries, may be used within the city of Mountain Home, Arkansas. (Ord. No. 91-009, Sec. 4)
- E. Permit, Application And Approval.
1. Every person or public utility who shall hereinafter contemplate blasting any rock or other substance within the city of Mountain Home, Arkansas, shall before blasting, file application for a permit with the Building Inspector's Office.
 2. Except as otherwise provided herein, no person or public utility shall commence blasting until he receives a permit. Any number of locations may be set out in any one (1) application or permit.
 3. Every person shall notify the Building Inspector's Office and the City Police Department of each location that blasting is to be done prior to detonation of explosives pursuant to a permit issued to such person.
 4. Every person or public utility that shall contemplate blasting operations of any type within the city of Mountain Home, Arkansas, during any year may apply anytime during that year for a blanket permit for a period not to exceed one (1) year from the date of issuance. This blanket permit will authorize and allow a person or public utility to all rights and privileges extended to those persons holding permits except that it will authorize any and all necessary blasting by the person or public utility without the necessity of offering permits for each individual blasting operation. After receipt of the blanket permit, the person or public utility may proceed with the necessary blasting as it deems proper with the only requirement being that the person or public utility notify the Building Inspector's Office and the City Police Department of each location of blasting operations prior to detonation.
 5. In an emergency situation, a public utility shall not be required to obtain any permit or permission of any type to undertake blasting operations. An emergency situation arises when a situation calls for immediate remedial action to protect the public utility's customers, the public's property or lives or to minimize damage to or loss of utility property. When acting in an emergency situation, a public utility shall notify the Building Inspector's Office of its actions as soon as reasonably possible after the

emergency ends. (Ord. No. 91-009, Sec. 5)

F. Safety Precautions.

1. Every person using explosives as permitted herein shall sound an audible sound device three (3) separate ten (10) second sounds made approximately thirty (30) seconds prior to detonation of explosives and one (1) sixty (60) second sound after the detonation of explosives or when the blast area is safe.
2. Every person and/or public utility using explosives shall cover the entire blast area of loaded holes in the blast pattern with mats, timbers or uncompacted earth of sufficient width, length and thickness or other sufficient safety precautions as to prevent fragments of rock, earth and debris from ascending into the air.
3. In the event any public utility should obtain or devise an alternate method to ensure fragments of rock, earth and debris to not ascend into the air from a blasting operation, the alternate method will be acceptable provided the Building Inspector's Office is informed of the alternative method and approves same prior to its use. (Ord. No. 91-009, Sec. 6)

G. Failure To Comply Deemed Unlawful. It shall be unlawful for any person or public utility to do or cause to be done any blasting of any rock or other substance within the city of Mountain Home, Arkansas, without first having complied with the provisions of this chapter and having received a permit as herein specified. The sole exception to this section is emergency blasting operations of a public utility as provided in Section 7.24.11(E)(5). (Ord. No. 91-009, Sec. 7)

H. Time Limit. All permits issued under the terms of this chapter shall, unless revoked, expire at the date provided therein and in no case shall a permit be issued for a period greater than three hundred sixty-five (365) calendar days from the date of issuance and same shall be renewable annually by the Building Inspector's Office. (Ord. No. 91-009, Sec. 8)

I. Revocation of Permit. Any permit granted under the provisions of this chapter other than a blanket permit to a public utility may be revoked if, in the opinion of the Building Inspector's Office, the person conducting blasting operations is doing so in an unsafe manner, or in violation of any of the provisions contained herein. Should the Building Inspector's Office determine that a person or public utility is conducting an approved blasting operation in an unsafe manner, the Building Inspector's Office may direct the person or public utility to discontinue that individual blasting operation and suspend the permit at that one particular location until such time as a conference can be arranged between the Building Inspector's

Office and representatives of such person or public utility to resolve the complaints of the Building Inspector's Office as to the blasting operations. Blasting or setting off of explosives after the suspension of such operations at a particular location or after a revocation of permit shall constitute a violation of this chapter.

- J. Penalty. Any person or public utility who shall violate any of the provisions of this chapter shall, upon conviction, be fined the sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) and each separate blast discharged or caused to be discharged by such person without complying with the provisions hereof shall be deemed a separate offense. (Ord. No. 91-009, Sec. 10)

7.24.12 Drainage system.

- A. 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.
- B. Penalty. Any person who shall violate or fail to comply with this subsection 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 subsection 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 subsection.

7.24.13 Hazardous Material Response Team established. That the Maintenance Fee Agreement regarding Hazardous Material Response Team is hereby approved in substantially the same form as follows:

- A. Authority to Execute Agreement. That the Maintenance Fee Agreement regarding Hazardous Material Response Team is hereby approved in substantially the same form attached hereto as Exhibit "A". That the Mayor of the city of Mountain Home is hereby authorized to execute the agreement on behalf of the city of Mountain Home, Arkansas. (Ord. No. 94-019)
- B. Maintenance Fee Agreement; Special Services.
 - 1. This agreement is for a maintenance fee to sustain the continued upkeep and response to facilities that require the special services of a hazardous material response team. The maintenance fee would be utilized for replacement of needed equipment, training and purchase of new

equipment as new and upgraded equipment becomes available.

2. If participation in this agreement is deemed necessary, the parties agree to all terms outlined in this agreement.
3. Signing this agreement is consenting to pay a yearly fee to the city of Mountain Home, Arkansas, for services rendered for hazardous material response. If you choose not to participate in this agreement and we respond to your facility for hazardous material response, you will be charged a necessary fee to include all materials used, labor for personnel, and replacement of equipment that is either damaged or deemed contaminated and disposed of. You will also be responsible for all clean up and proper disposal. If you are willing to participate, then the only charge you will incur is for materials and equipment that need replenished, and clean up and proper disposal.
4. The following fees have been determined:
 - a. Small Manufacturing 0 - 3,999 sq. ft. \$ 450.00/yr
 - b. Medium Manufacturing 4000 - 9,999 sq. ft. \$ 750.00/yr
 - c. Large Manufacturing 10,000 or more sq. ft. \$1,200.00/yr
 - d. Transportation (Bulk Haulers of Flammable Liquids) \$ 500.00/yr
 - e. Bulk Storage Facility (Flammable Gas or Liquid) \$ 500.00/yr
 - f. Miscellaneous Facilities That Do Not Fall Into Above Category \$ 500.00/yr
5. If a facility stores and hauls flammable liquids or gases, only one fee would be assessed per year.
6. Donations of equipment or needed supplies would be in lieu of yearly fee only if agreed upon by both parties and on a dollar for dollar basis. Response to these facilities would be the same as a non-participant in this agreement.
7. Yearly fees would be due and payable by January 31st of each new calendar year. (Ord. No. 94-019)

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authority to respond
7.28.02	Exceeding five miles
7.28.03	Conditions for response
7.28.04	Agreements intact
7.28.05	Rights enforced
7.28.06	Non-restrictive
7.28.07	Other conditions
7.28.08	Mutual aid agreement
7.28.09	Payment of money collected

7.28.01 Authority to respond. The Mountain Home Fire Department is hereby authorized and directed to answer all outside alarms within a distance of five (5) road miles from the Mountain Home Fire Station unless, in the opinion of either the Fire Chief or the Acting Fire Chief, it is inexpedient to do so on account of either present or impending fire or calamity within the city of Mountain Home, Arkansas, broken or damaged fire apparatus, impassable or dangerous roads and/or bridges or other physical conditions. (Ord. No. 90-008, Sec. 1)

7.28.02 Exceeding five miles. The Mountain Home Fire Department is further authorized to answer any outside alarms beyond a distance of five (5) road miles from the Mountain Home Fire Station solely at the discretion of the Fire Chief or Acting Fire Chief on duty when any such alarm is received. (Ord. No. 90-008, Sec. 2)

7.28.03 Conditions for response. The fire protection provided for herein shall apply principally to structures and/or life endangering conditions. Receipt of alarms for service wherein no immediate threat to structures and/or life exists shall be responded to solely at the discretion of either the Fire Chief or Acting Fire Chief on duty when any such alarm is received. (Ord. No. 90-008, Sec. 3)

7.28.04 Agreements intact. This chapter shall in no way impair, cancel or void any mutual aid agreement for fire protection in existence either now or in the future and shall be subordinate to any similar agreement made by the city of Mountain Home, Arkansas. (Ord. No. 90-008, Sec. 4)

7.28.05 Rights enforced. The Mountain Home Fire Department shall enforce the rights, if necessary, of the city of Mountain Home, Arkansas, as provided by Arkansas Code Annotated Section 14-53-102. (Ord. No. 90-008, Sec. 5)

7.28.06 Non-restrictive. Arkansas Code Annotated Section 14-53-102 shall remain in full force and effect for the Mountain Home Fire Department and this chapter shall not be construed to limit or restrict any statutory benefit(s) otherwise applicable to the Mountain Home Fire Department while functioning under the authority granted by this chapter. (Ord. No. 90-008, Sec. 6)

7.28.07 Other conditions.

- A. Calls may be responded to only by such apparatus which in the judgment 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.
- B. 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.
- C. 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.
STATE LAW REFERENCE - See A.C.A. 14-53-102

7.28.08 Mutual aid agreement. The Mayor and Fire Chief of the Mountain Home Fire Department, are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals, for the rendering of fire services. (Ord. No. 99-004, Sec. 1.)

7.28.09 Payment of money collected. Money collected under the terms of Section 7.28.08 of this chapter shall be paid to the general fund of the city.

CHAPTER 7.32

ALCOHOLIC BEVERAGE PURCHASES

Sections:

- 7.32.01 Prohibited by persons under 21 years of age
- 7.32.02 Arrests
- 7.32.03 Notice
- 7.32.04 Conflicts

7.32.01 Prohibited by persons under 21 years of age.

- A. It shall be unlawful for any person under the age of twenty-one (21) years to attempt to purchase or otherwise obtain any alcoholic beverage from a retail dealer who sells such beverages for off-premises consumption or from a public tavern, restaurant, private club or other establishment which sells such beverages for on-premises consumption.
- B. Any person convicted of violating this chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 89-036, Sec. 1)

7.32.02 Arrests.

- A. A person violating this chapter may be detained in a reasonable manner and for a reasonable length of time by a police officer, owner, operator or an employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premises or on-premises consumption. Such detention shall not render the detainer criminally or civilly liable for false arrest, false imprisonment or unlawful detention.
- B. A police officer may arrest without a warrant upon probable cause for believing the suspect has committed the offense of attempting to purchase or otherwise obtain an alcoholic beverage. Sufficient probable cause may be established by the written affidavit of the owner, operator or employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premises or on-premises consumption to the police officer that the affiant has observed the person accused committing the offense of attempting to purchase or otherwise obtain an alcoholic beverage. (Ord. No. 89-036, Sec. 2)

7.32.03 Notice.

- A. The manager of any public establishment which sells alcoholic beverages for on-premises or off-premises consumption and the manager of any private club which serves alcoholic beverages for on-premises consumption shall be required to post in a conspicuous place a notice stating:

NOTICE TO PERSON UNDER 21 YEARS OF AGE

You are subject to a maximum Five Hundred Dollar (\$500.00) fine for:

- 1. Misrepresenting your age for the purpose of obtaining liquor, beer or alcoholic beverages.**
- 2. Purchasing or otherwise obtaining liquor, beer or alcoholic beverages.**

- B. The size of said notice shall not be less than eight and one-half (8½) inches by eleven (11) inches. (Ord. No. 89-036, Sec. 3)

7.32.04 Conflicts. Nothing in this chapter shall be construed to conflict with the Juvenile Code of 1989, Act 273 of 1989, or any other relevant state laws. (Ord. No. 89-036, Sec. 4)

CHAPTER 7.36

HOT CHECKS

Sections:

- | | |
|---------|--|
| 7.36.01 | Obtaining property with checks drawn on insufficient funds |
| 7.36.02 | Payment for personal services with overdraft unlawful |
| 7.36.03 | Evidence against maker or drawer |
| 7.36.04 | Penalty |

7.36.01 Obtaining property with checks drawn on insufficient funds. It shall be unlawful for any person to procure any article or thing of value or to secure possession of any personal property to which a lien has attached or to make payment of any taxes, licenses or fees or for any other purpose to make, draw, utter or deliver, with intent to defraud, any check, draft or order, for the payment of money upon any bank, person, firm or corporation, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or on deposit with such bank, person, firm or corporation for the payment of such check, draft or order in full and all other checks, drafts or orders upon such funds then outstanding. (Ord. No. 543, Sec. 1)

7.36.02 Payment for personal services with overdraft unlawful. It shall be unlawful for any person or persons to make, draw, utter or deliver or to cause or direct the making, drawing, uttering or delivering of any check, draft or order for the payment of money on any bank, person, firm or corporation in payment of wages or salaries for personal services rendered, knowing that the maker, drawer or payer does not have sufficient funds in or on deposit with such bank, person, firm or corporation for the payment in full of such check, draft or order as well as all other then outstanding checks, drafts or orders upon such funds and with no good reason to believe the check, draft or order would be paid upon presentation by the person or bank upon which same was drawn. (Ord. No. 543, Sec. 2)

7.36.03 Evidence against maker or drawer. As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with such bank, person, firm or corporation. The endorsement or stamp of a collecting bank on any check whether such check be drawn on an out-of-state or in-state bank, shall constitute prima facie evidence of presentment without protest. (Ord. No. 543, Sec. 3)

7.36.04 Penalty.

- A. Upon a determination of guilt in the event that the order, draft or check is One Hundred Dollars (\$100.00) or less, the penalties shall be as follows:
1. First Offense. A fine of not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail not to exceed thirty (30) days, or both.
 2. Second Offense. A fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed sixty (60) days, or both.
 3. Third and Subsequent Offense. A fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or imprisonment in the county jail not to exceed one (1) year, or both.
- B. Upon a determination of guilt in the event that the order, draft or check is greater than One Hundred Dollars (\$100.00) or where there is more than one (1) check drawn on insufficient funds and the total in a single prosecution is greater than One Hundred Dollars (\$100.00), the offense shall be a felony and punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the state penitentiary for a term not to exceed ten (10) years, or both. (Ord. No. 543, Sec. 4)

CHAPTER 7.40

TRESPASSING AND ILLEGAL CONGREGATING

Sections:

7.40.01	Definitions
7.40.02	Use of business parking lots restricted
7.40.03	Congregating
7.40.04	Trespassing after hours
7.40.05	Signs prohibiting trespassing and congregating
7.40.06	Exceptions
7.40.07	Penalty

7.40.01 Definitions. As used in this chapter, the words and phrases, except where the context clearly indicates otherwise, mean:

- A. Business Parking Lot. Any parking lot adjacent to or in the immediate vicinity of any store, restaurant, gasoline station, public or private office building, commercial building, industrial facility or any other facility which provides free parking during normal business or operating hours for the use and convenience of employees, customers, patrons, guests or invitees.
- B. Private Business Premises. Any lands or buildings, or any part thereof, owned or occupied by any store, restaurant, office, factory, church or any other business, whether for profit or not for profit.
- C. Owner. Any owner or other person lawfully in charge of a business parking lot, including any person authorized in writing by the owner to exercise rights granted to the owner by law. (Ord. No. 89-027, Sec. 1)

7.40.02 Use of business parking lots restricted.

- A. Except for the following purposes:
 - 1. Parking immediately prior to transacting business at a place of business, attending church services, attending lodge or club activity, attending a promotional event, fair or parade, shopping or patronizing a facility open to the public, adjacent to or in the immediate vicinity of a business parking lot;
 - 2. Leaving after parking;
 - 3. Leaving a passenger;
 - 4. Picking up a passenger; or
 - 5. Parking while employed at a business in the immediate vicinity, no person shall drive any motor vehicle across, through or into and out of any business parking lot in the city of Mountain Home, Arkansas. (Ord. No. 89-027, Sec. 2)

7.40.03 Congregating. Except for the permitted purposes stated in Section 7.40.02 of this chapter, no person shall linger, remain, sit, or stand in any business parking lot or private business premises or sit in or on a motor vehicle in any business parking lot or private business premises or when prohibited by the owner of a business parking lot or private business premises as expressed by a sign or signs posted on the premises pursuant to Section 7.40.05 of this chapter, nor shall any person remain in a business parking lot or private business premises after being ordered to leave said parking lot by the owner or by an agent of the owner authorized as such as provided in Section 7.40.02 of this chapter. (Ord. No. 89-027, Sec. 3)

7.40.04 Trespassing after hours. No person shall enter or stay on any business parking lot or private business premises at any time if staying on or entering the lot or private business premises is prohibited by the owner, as shown by a sign posted on the premises pursuant to Section 7.40.05 of this chapter. (Ord. No. 89-027, Sec. 4)

7.40.05 Signs prohibiting trespassing and congregating.

- A. The prohibitions set out in Section 7.40.01 - 7.40.04 of this chapter shall be in effect at any business parking lot or private business premises where the owner has posted a sign or signs on the premises which are clearly visible to an ordinarily prudent individual provided in this chapter.
- B. With reference to Section 7.40.02 and 7.40.03 of this chapter, each sign shall contain substantially the following language:

**NO CONGREGATING OR CRUISING
VIOLATORS WILL BE PROSECUTED**

- C. With reference to Section 7.40.04 of this chapter, signs shall contain substantially the following language:

**NO PARKING OR TRESPASSING
BETWEEN ____ A.M. AND ____ P.M.
VIOLATORS WILL BE PROSECUTED**

(Ord. No. 89-027, Sec. 5)

7.40.06 Exceptions.

- A. The following uses of a business parking lot or private business premises shall not be in violation of this chapter:
 - 1. Entrance by the owner, occupant or the employees and agents of the owners or occupants.
 - 2. Entrance by customers, patrons, suppliers and other persons having lawful business at the business premises or other facility served by the business parking lot during normal business hours, or when such business or facility is otherwise open to the public.
 - 3. Temporary entrance in any emergency.
 - 4. Entrance by police officers and city officials in the course of duty.
- (Ord. No. 89-027, Sec. 6)

7.40.07 Penalty. The violation of any of the provisions of this chapter shall be deemed a misdemeanor and any person found guilty for such violation shall be subject to the payment of a fine up to Fifty Dollars (\$50.00) and/or three (3) days community service, together with judgment fees and court costs as determined by the Court. (Ord. No. 89-027, Sec. 7)

CHAPTER 7.44

PUBLIC DISPLAY OF MATERIALS TO MINORS

Sections:

7.44.01	Definitions
7.44.02	Display and sale to minors
7.44.03	Non-defense
7.44.04	Exceptions
7.44.05	Notification
7.44.06	Separate violations
7.44.07	Penalty

7.44.01 Definitions. The following terms, as used in this chapter (and as defined by Arkansas Act 133 of 1969, Ark. Stat. Ann. Section 41-3581), shall have the following meanings:

"Minor" means any person under the age of eighteen (18) years.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

"Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the aureole or the depiction of covered male genitals in a discernibly turgid state.

"Sexual Conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact of a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breasts.

"Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"Harmful to Minors" means that quality of any description or representation in whatever form of nudity, sexual conduct, sexual excitement or sado-masochistic abuse, when it:

- A. Predominantly appeals to the prurient, shameful or morbid interests of minors;
- B. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- C. Is utterly without redeeming social importance and value for minors.

"Knowingly" means having general knowledge of, or reason to know, or a belief or grounds for belief which warrants further investigation or inquiry or both:

- A. The character and content of any material described herein which is reasonably susceptible of examination, and
- B. The age of the minor, provided, however, there shall be no violation of this chapter if the person charged has made a reasonable bona fide attempt to ascertain the true age of such minor and this finding is made by the judge or jury, as the case may be. (Ord. No. 509, Sec. 1)

7.44.02 Display and sale to minors.

- A. It shall be unlawful for any person knowingly:
 - 1. To display in public view at newsstands or any other business establishment frequented by minors or where said minors are or may be invited as a part of the general public, any picture, photograph, book, pamphlet, publication, magazine, drawing, sculpture, visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and that which is harmful to minors; or
 - 2. To sell any book, pamphlet, magazine, picture, photograph, drawing, sculpture or usual representation or printed matter however reproduced or sound recording which contains any matter enumerated in Section 7.44.01 or explicit or detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, nudity or sado-masochistic abuse and which, taken as a whole, is harmful to minors, to a minor.
- B. Public View. It is also unlawful for any person to fail to take prompt action to remove from public view any of the material described in Section 7.44.01 hereof after receiving notice as provided hereinafter of the existence of this type material in his possession.

- C. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor to premises whereon there is exhibited, a motion picture show or other presentation which, in whole or in part, depicts nude sexual conduct or sado-masochistic abuse and which is harmful to minors. (Ord. No. 509, Sec. 2)

7.44.03 Non-defense. It shall not be a defense to prosecution for violation of this chapter for the defendant to show that a violation of this chapter was made with the consent of a parent or guardian or that the minor involved was married. (Ord. No. 509, Sec. 3)

7.44.04 Exceptions. This chapter shall not be applicable to works of art or matters of anthropological significance, cultural programs or presentations sponsored by a government agency or civic group or material presented in a program of education, in a church, school or college. (Ord. No. 509, Sec. 4)

7.44.05 Notification. The City Attorney of the city of Mountain Home, Arkansas, shall notify in writing any person displaying material described in Section 7.44.01 and shall cause criminal informations to be filed if such person displays such material after five (5) days after receiving said notice. (Ord. No. 509, Sec. 5)

7.44.06 Separate violations.

- A. Each day or twenty-four (24) hour period that material described in Section 7.44.01 is displayed in public view after the receipt of notice and the expiration of the five (5) day period as set forth in Section 7.44.05, shall constitute a separate violation of this chapter. (Ord. No. 509, Sec. 6)
- B. Each display in public view, exhibition or sale of material described in Section 7.44.01 to a minor shall constitute a separate offense.
- C. Confiscation. Material described in Section 7.44.01 shall be confiscated if such person fails to remove such material from public view after receiving notice as provided in Section 7.44.05 and after the expiration of three (3) additional days. (Ord. No. 509, Sec. 6)

7.44.07 Penalty. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for a period of not more than ninety (90) days or both such fine and imprisonment. (Ord. No. 509, Sec. 7)

CHAPTER 7.48**MOTION PICTURE RATINGS****Sections:**

- 7.48.01 R-rated movies
- 7.48.02 X-rated movies
- 7.48.03 Exhibiting X-rated and R-rated movies
- 7.48.04 Exceptions
- 7.48.05 Penalty

7.48.01 R-rated movies. Motion pictures exhibited within the corporate limits of the city of Mountain Home, Arkansas, bearing an "R" rating by the Motion Picture Association of America shall not be displayed to any person under the age of seventeen (17) years unless accompanied by his or her parent(s) or guardian(s) to such exhibition, view or display of such motion picture. (Ord. No. 519, Sec. 1)

7.48.02 X-rated movies. Motion pictures exhibited within the corporate limits of the city of Mountain Home, Arkansas, bearing an "X" rating by the Motion Picture Association of America shall not be displayed to any person under the age of seventeen (17) years. (Ord. No. 519, Sec. 2)

7.48.03 Exhibiting X-rated and R-rated movies. It shall be unlawful for any person to knowingly exhibit for a monetary consideration to a person under the age of seventeen (17) years or to knowingly sell or to admit a person under the age of seventeen (17) years to the premises whereon there is exhibited a motion picture show or other presentation which bears the "X" rating as given by the Motion Picture Association of America and further to admit or to knowingly permit a person under the age of seventeen (17) years to be in attendance whereon there is exhibited a motion picture show or presentation which bears the "R" rating as given by the Motion Picture Association of America unless a parent or guardian accompanies him or her. (Ord. No. 519, Sec. 3)

7.48.04 Exceptions. This chapter shall not be applicable to works of art or matters of anthropological significance, cultural programs or presentations sponsored by a governmental agency or civic group or material presented in a program of education, in a church, school or college. (Ord. No. 519, Sec. 4)

7.48.05 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for a period of not more than ninety (90) days or both such fine and imprisonment. (Ord. No. 519, Sec. 5)

CHAPTER 7.52

SKATEBOARDS PROHIBITED

Sections:

7.52.01	Illegal riding devices
7.52.02	Definitions
7.52.03	Prohibited use
7.52.04	Impounding of skateboards
7.52.05	Penalty
7.52.06	Exceptions, permission by Chief of Police

7.52.01 Illegal riding devices. It shall be unlawful for any person to use a skateboard, coaster or similar device, to include in some instances the use of bicycles, as set forth in this chapter. (Ord. No. 91-001, Sec. 1)

7.52.02 Definitions.

Skateboard shall mean and include, in addition to those pieces of equipment manufactured and sold under the name of "skateboard", any platform with skates, wheels or rollers which may be propelled by a person standing or sitting on the platform.

Owner shall mean any person who owns a skateboard or an interest in a skateboard. Possession of a skateboard as herein defined, by any person, shall be prima facie evidence of ownership. (Ord. No. 91-001, Sec. 2)

7.52.03 Prohibited use.

- A. Within the city of Mountain Home, Arkansas, no person may ride or use a skateboard or permit another to use his/her skateboard or a skateboard over the use of which he/she has custody or control, in or on any alleys, streets, roads or highways or other publicly maintained ways or streets intended for vehicular use or in any shopping center or malls, including its parking lots, sidewalks, or walkways or in or on any business parking lots; nor shall any person ride a bicycle on or in any pedestrian walkways or any shopping centers or malls.
- B. Within the city of Mountain Home, Arkansas, no person may ride or use a skateboard or permit another to use a skateboard over the use of which he has custody or control, in or on any property belonging to, leased by or otherwise under control or authorization of a church, synagogue, or other house of worship or on the property of any public or private school certified by the State of Arkansas without specific permission from the property owner(s) or administrator(s). (Ord. No. 91-001, Sec. 3)

7.52.04 Impounding of skateboards. Upon the violation of any of the provisions of this chapter by any person, the skateboard or bicycle used in such violation may be impounded and, upon conviction, may be forfeited to the city. (Ord. No. 91-001, Sec. 4)

7.52.05 Penalty. Violations of this chapter shall, upon conviction, be subjected to a maximum fine of One Hundred Dollars (\$100.00). Fine shall be set at the discretion of the court. Said offense shall be deemed a misdemeanor. (Ord. No. 91-001, Sec. 5)

7.52.06 Exceptions, permission by Chief of Police The Chief of Police, or his designated representative, is authorized to grant exception to said chapter to organizations or individuals to conduct games, contests or exhibitions upon public streets or thoroughfares. (Ord. No. 91-001, Sec. 6)

CHAPTER 7.56

FIREWORKS

Sections:

7.56.01	Manufacturing or selling fireworks
7.56.02	Time limitations
7.56.03	Qualified pyrotechnic personnel
7.56.04	Penalty

7.56.01 Manufacturing or selling fireworks It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture; or to use by shooting, exploding, discharging, firing or setting off, any type of firework or other explosive, within city limits of Mountain Home, Arkansas; without first obtaining a duly authorized written permit duly issued by the city Fire Marshal or Fire Inspector, and approved by the Fire Chief (Ord. No. 03-24, Sec. 1.)

7.56.02 Time limitations All applications for fireworks permits must be made five (5) days prior to the requested date of discharging the fireworks. (Ord. No. 03-24, Sec. 2.)

7.56.03 Qualified pyrotechnic personnel Any permit issued for the discharge of fireworks in the city must be issued only to a duly certified pyrotechnics technician, and the fire department will verify that a proper and current certification is in effect. The technician will retain custody of the permit. (Ord. No. 03-24, Sec. 3.)

7.56.04 Penalty Any person, firm, or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than Seventy-Five Dollars (\$75.00), nor more than Two Hundred Dollars (\$200.00) for each and every violation. (Ord. No. 03-24, Sec. 4.)

CHAPTER 7.60

OUTSIDE BURNING OF YARD WASTE

Sections:

7.60.01	Definitions
7.60.02	Burning in streets, ditches, alleys or easements prohibited
7.60.03	Persistent offense, fire or safety hazards prohibited
7.60.04	Residential safety standards
7.60.05	Permit required – land clearing
7.60.06	Safety standards for land clearing burning
7.60.07	Penalty for violation

7.60.01 Definitions The following definitions shall apply in this ordinance:

Open Burning shall mean the incineration or combustion of yard waste materials as a method of disposal without any means to control the fuel/air ratio.

Yard Waste shall mean grass clippings, leaves, and shrubbery clippings collected from residential property.

Household Waste shall mean all waste, products and materials, other than grass clippings, leaves and shrubbery clippings. (Ord. No. 2007-3, Sec. 1.)

7.60.02 Burning in streets, ditches, alleys or easements prohibited No person, firm, or corporation shall kindle or maintain any open burning in any public street, alley, ditch or easement in the city of Mountain Home. (Ord. No. 2007-3, Sec. 2.)

7.60.03 Persistent offense, fire or safety hazards prohibited

- A. No person, firm or corporation shall kindle or maintain any open burning that is a persistent offense to neighbors, a fire hazard to surrounding property, or created a health or safety hazard.
- B. It shall be unlawful for any resident to make a false report against another resident regarding the burning of outside yard waste.
- C. It shall be unlawful for any resident to import onto their property and burn yard waste from any other location. (Ord. No. 2007-3, Sec. 3.)

7.60.04 Residential safety standards No person, firm or corporation shall burn yard waste, unless the following safety standards are followed:

- A. Burning shall be on a day with five (5) mile per hour winds or less.
- B. All burning shall be constantly supervised by a competent person of not less than (16) sixteen years of age.
- C. All burning shall not be less than twenty-five (25) feet from any structure.
- D. All burning shall be accomplished during daylight hours only.
- E. Burning shall be controlled and maintained in a safe manner at all times, and means to extinguish the fire shall be at the burn site readily available and fully operational.
- F. No open burning will be allowed when the Fire Officials or the Mayor post a ban on outside burning, due to weather conditions, which make outside burning hazardous to the community.
- G. No person, firm or corporation, shall burn household waste outside at any time. (Ord. No. 2007-3, Sec. 4.)

7.60.05 Permit required – land clearing Any person, firm or corporation clearing land for construction of commercial or residential property, shall secure a permit from the Mountain Home Fire Department, before any burning shall commence on the property. A Twenty-Five Dollars (\$25.00) fee shall be charged for the permit. (Ord. No. 2007-3, Sec. 5.)

7.60.06 Safety standards for land clearing burning

- A. An inspection of the burn site by a fire official shall precede the open burning.
- B. Open burning shall be during daylight hours only, unless approved by the Fire Official.
- C. An method of fire extinguishers, approved by the Fire Official, shall be on site at all times and readily available during burning.
- D. Open burning shall not be less than one hundred feet (100) ft. from any structure
- E. No burning of wood material over six (6) inches in diameter and no greater than twelve (12) inches in length.
- F. Stumps of any size are not allowed to burn.
- G. Open burning shall be supervised by a competent person of at least sixteen (16) years of age.

- H. No open burning will be allowed during a burning ban by Fire Officials or the Mayor due to weather conditions, which would make burning hazardous. (Ord. No. 2007-3, Sec. 6.)

7.60.07 Penalty for violation

- A. Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00).
- B. Any person, firm, or corporation who has been deemed in violation of the open burning ordinance by Police or Fire Officials, must be issued a written warning notice on the first offense, and the notice must contain a copy of "Open Burning Ordinance." Subsequent violations of the ordinance by the same party, shall allow the Police or Fire Officials to issue a citation for appearance in Mountain Home District Court. (Ord. No. 2007-3, Sec. 7.)

CHAPTER 7.64

TOBACCO FREE ZONES

Sections:

- | | |
|---------|---------------------|
| 7.64.01 | Designated property |
| 7.64.02 | Fine |

7.64.01 Designated property The following areas of city owned property shall be designated as tobacco free:

- A. L.C. Sammons Youth Center; and parking lot of L.C. Sammons Youth Center;
 - B. The public pool in Cooper Park;
 - C. All playground equipment areas;
 - D. All concession stands and area immediately around the concession stands.
 - E. All bleacher areas; unless otherwise designated
 - F. All indoor facilities of the city of Mountain Home.
- (Ord. No. 98-014, Sec. 1.)

7.64.02 Fine any person found to be in violation of the terms and conditions of this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$100.00. (Ord. No. 98-014, Sec. 2.)

CHAPTER 7.68

SEXUALLY ORIENTED BUSINESSES

Sections:

7.68.01 Ordinance adopted by reference

7.68.01 Ordinance adopted by reference The “Sexually Oriented Businesses Regulations” of the city of Mountain Home, Arkansas, is hereby adopted in its entirety by reference thereto, as the regulations pertaining to and controlling sexually oriented businesses in the city of Mountain Home, Arkansas. (Ord. No. 99-021, Sec. 1.)

CHAPTER 7.72

NOISE WITHIN CITY LIMITS

Sections:

7.72.01	Detriment to the public
7.72.02	Securing and promoting public welfare
7.72.03	Disturbing the peace
7.72.04	Musical instruments
7.72.05	Horns
7.72.06	Governmental units
7.72.07	Emergency work
7.72.08	Application for permit
7.72.09	Noise from motor vehicle
7.72.10	Definitions
7.72.11	Fine

7.72.01 Detriment to the public Excessive, unnecessary, or unusually loud noises within the limits of the city is a condition which has existed for some time and the extent and magnitude of such noises are increasing; and the making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use affects and is a detriment to public health, comfort, convenience, safety and welfare of the residents of the city, or may cause damage to property or business. (Ord. No. 2000-3, Sec. 1.)

7.72.02 Securing and promoting public welfare The necessity in the public interest for the provision and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy and the provisions and prohibitions hereinafter contained and

enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of the city. (Ord. No. 2000-3, Sec. 2.)

7.72.03 Disturbing the peace In general, it shall be unlawful for any person to disturb or tend to disturb the peace of others by violent, tumultuous or offensive conduct or by loud or unusual noises or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace or for any person to permit any such conduct in any house or upon any premises owned or possessed by such person or under their management or control, when within such person's power to prevent, so that others in the vicinity are or may be disturbed thereby. (Ord. No. 2000-3, Sec. 3.)

7.72.04 Musical instruments It shall be unlawful for any person to use, operate, or permit to be played, any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device that produces or reproduces sound in such a manner as to be plainly audible at either the property boundary of the source of sound or through a party wall, ceiling, or floor within a building or plainly audible at 25 feet from such device when operated within a moving or parked vehicle. The provisions of this section shall apply unless a permit has been issued by the Mayor, or Mayor's designated agent, pursuant to Section 8 of this ordinance which allows such amplification. (Ord. No. 2000-3, Sec. 4.)

7.72.05 Horns It shall be unlawful to sound any horn or signaling device on any truck, automobile, emergency vehicle or other vehicle on any street or public place except as a danger warning signal or as allowed under the traffic laws of the state of Arkansas. Except: The provisions of this section shall not apply to the sounding of horns in the customary practice of celebrating weddings or in celebrating a victory of a sporting event in Mountain Home, so long as the sounding of horns is within two hours of the completion of such event. (Ord. No. 2000-3, Sec. 5.)

7.72.06 Governmental units The provisions of this ordinance shall not apply to sound made or controlled by the city, federal state or county governments, the Mountain Home School District or to any branch, subdivision, institution, agency or agent of said governmental units or school district. (Ord. No. 2000-3, Sec. 6.)

7.72.07 Emergency work Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provision of this ordinance. (Ord. No. 2000-3, Sec. 7.)

7.72.08 Application for permit Applications for a permit for relief from the provisions of this ordinance may be made to the Mayor or Mayor's designated agent for noise which, if prohibited, would cause undue hardship to the person responsible for the noise. In granting relief, consideration shall be made of the time of day, duration, loudness relative to the required limits, the extensiveness, and the continuous or intermittent nature of the noise, and the technical and economic feasibility of bringing the noise into conformance with this ordinance. (Ord. No. 2000-3, Sec. 8.)

7.72.09 Noise from motor vehicle No person shall use or operate or allow to be used or operated, any vehicle in such a manner as to be plainly audible at 25 feet from the motor vehicle. The provisions of this ordinance shall apply unless a permit has been issued by the Mayor, or Mayor's designated agent, pursuant to Section 8 of this ordinance. (Ord. No. 2000-3, Sec. 9.)

7.72.10 Definitions

Noise disturbance Any sound that:

- A. Endangers or injures the safety or health of humans or animals; or
- B. Annoys or disturbs the peace within 150 feet of the source of the noise; or
- C. Endangers or injures personal or real property.

Plainly audible Any sound or noise, not necessarily clear or understandable as spoken language or song lyrics, bass reverberations or any other unidentifiable sound that can be heard from 150 feet. (Ord. No. 2007-46, Sec. 1.)

7.72.11 Fine Any person violating any provision of the ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$50.00 nor more than \$250.00 and if such violation continues, each day's violation shall be a separate offense. (Ord. No. 2000-3, Sec. 11.)

CHAPTER 7.76

SIGNS

Sections:

- 7.76.01 Adoption by reference
- 7.76.02 Permit fees
- 7.76.03 Amendments

7.76.01 Adoption by The "Sign Ordinance" of the city of Mountain Home, Arkansas, is hereby adopted in its entirety by reference thereto. (Ord. No. 2007-22, Sec. 1.)

7.76.02 Permit fees Application for a permit shall be submitted to the Building Inspection Department, with the permit fee being calculated at \$.50 per square foot times the total sign surface square footage, with a minimum fee of Twenty Dollars (\$20.00) for each job or each advertising structure. (Ord. No. 2007-22, Sec. 2.)

7.76.03 Amendments**Ord. No. 2008-10**

Section 2. “Hanging Sign” is hereby deleted.

Section 2, Paragraphs 9 and 11 are hereby deleted in full and replaced with the following:

9. Election campaign signs and banners. Political signs and banners are permitted to be placed on private property in any district, subject to the following conditions:
 - a. In districts where sign and banners are not otherwise permitted, a political sign or banner may be erected, but no earlier than 60 days prior to an election primary, general or special election and said sign shall be removed within seventy-two (72) hours following the election to which it applies. The owner of the property on which said sign or banner is placed shall be responsible for its removal.
 - b. In districts where signs or banners are otherwise permitted, political signs shall meet the requirements of each specified district.
11. Banners, when used in conjunction with public and private events or for advertising purposes shall be limited as follows:
 - a. Shall not exceed 32 square feet in size.
 - b. Shall not be erected more than 60 days prior to the event.
 - c. Shall be removed within seventy-two hours following the event to which the banner applies.

Notwithstanding any limitation herein contained, any banner(s) otherwise permitted that are affixed to a building shall not accumulatively exceed more than 1/3 the size of the wall to which they are affixed and no single banner shall exceed 100 square feet in size, whichever is lesser. Any sign permanently affixed to a wall shall be considered a wall sign as compared to a banner.

Section 7, Paragraph 6. The following is deleted “...and signs giving public service information, such as, but not limited to, time, dates, temperatures, weather, or similar information.”

NOVELTY LIGHTERS

Sections:

7.80.01	Prohibition
7.80.02	Definition
7.80.03	Enforcement
7.80.04	Penalty

7.80.01 Prohibition The retail sale, offer of retail sale, or gift distribution of any novelty lighter within the jurisdiction of the city of Mountain Home is prohibited. The prohibition is inapplicable to:

- A. novelty lighters in transport through the city; or
- B. novelty lighters stored in a warehouse within the city and closed to the public for purposes of retail sales. (Ord. No. 2007-45, Sec. 1.)

7.80.02 Definition

Novelty lighter means a lighter that has entertaining audio or visual effect, or that depicts or resembles, through use of logos, decals, artwork, or by other means, in physical form or function, articles commonly recognized as appealing to, or intended for use by children twelve (12) years of age or younger. This includes, but not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel. (Ord. No. 2007-45, Sec. 2.)

7.80.03 Enforcement The provisions of this section shall be enforced by the Fire Chief, Fire Inspector any police officer or any other city official authorized to enforce any provisions of the city of Mountain Home Code. (Ord. No. 2007-45, Sec. 3.)

7.80.04 Penalty Any person or entity violating any provision of this section is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine or penalty of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00). (Ord. No. 2007-45, Sec. 4.)

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 Parking on Streets
- 8.24 Hazardous Driving
- 8.28 Parking Lot Construction
- 8.32 Parking for Handicapped
- 8.36 Parking Spaces for Government Offices
- 8.40 Banners
- 8.44 Vacating Streets

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.04.01 Adoption of state laws
- 8.04.02 Exceptions

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 City Clerk, 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.

8.04.02 Exceptions

- A. A speed limit of twenty-five (25) miles per hour is established on all city streets on which a speed limit is not otherwise posted. (Ord. No. 89-33, Sec. 1)
- B. That the speed limit on streets within the city of Mountain Home, Arkansas, shall be reduced to a speed of fifteen (15) miles per hour in areas deemed to be under construction by the Superintendent of the city of Mountain Home Street Department. (Ord. No. 89-33, Sec. 1)

CHAPTER 8.08

TRUCK ROUTES

Sections:

- 8.08.01 Truck routes - Designated
- 8.08.02 Exceptions
- 8.08.03 Penalty

8.08.01 Truck routes - Designated

- A. Truck routes for all motor vehicles having a capacity of twenty thousand (20,000) pounds and over, and proceeding through the city of Mountain Home, Arkansas, are hereby established and designated as follows:

Federal and State Highways, Highway 62/412, Highway 201, Highway 5, and Highway 178

- B. All such vehicles are hereby prohibited from using any other street, alley or road while proceeding through the city. (Ord. No. 99-7, Sec. 1)

8.08.02 Exceptions

- A. When it is necessary for excluded vehicles to travel on non-truck route streets to make pickups or deliveries, it will not be considered to be a violation of this chapter if the vehicle remains on a designated truck route to the closest point from its destination. The intention of this exception of requiring trucks to travel exclusively on the truck routes is to allow pickups or deliveries as long as the minimum of non-truck route streets are traversed.
- B. School, church, tour and local public transportation buses and public service vehicles are excluded from the provisions of this chapter. (Ord. No. 91-13, Sec. 3)

8.08.03 Penalty Any person or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall be liable for a minimum fine of Twenty-Five Dollars (\$25.00) with the maximum fine being Fifty Dollars (\$50.00) for each violation. (Ord. No. 91-13, Sec. 4)

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 red 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 by members of the Mountain Home Police Department.

8.12.05 Exempt personnel

- A. 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 Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

CHAPTER 8.16

NON-OPERATING VEHICLES

Sections:

- | | |
|---------|------------------------------------|
| 8.16.01 | Definitions |
| 8.16.02 | Prohibiting non-operating vehicles |
| 8.16.03 | Exceptions |
| 8.16.04 | Penalty |
| 8.16.05 | Violators |

8.16.01 Definitions

- A. Non-operating motor vehicles as used in this chapter means a motor vehicle with one or more of the following characteristics:
1. The engine or motor is inoperative;
 2. One (1) or more of the wheels is removed;
 3. The motor vehicle has flats on two or more tires;
 4. Major operating components are missing such as: windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, gear box, rear end, or any parts connected with the steering geometry of the motor vehicle, the seats are removed;

5. Any of the major operating components such as those listed in item (A)(4) above are in such damaged condition so as to make the motor vehicle useless;
 6. The motor vehicle does not have a current Arkansas registration; or
 7. The motor vehicle does not have a current Arkansas motor vehicle inspection sticker demonstrating the vehicle has passed a safety inspection as by law required.
- B. Prima facie case: It shall be a prima facie case that a motor vehicle is a non-operating motor vehicle if it does not have a current Arkansas motor vehicle inspection sticker demonstrating the motor vehicle has passed a safety inspection as by law required.
- C. Motor vehicle: means a car, automobile, truck, bus, omnibus, tractor truck, or other vehicle licensed to travel upon the roads of Arkansas, or subject to licensing for travel or intended as a carrier for goods and persons from point to point which uses motive power derived from a motor or engine especially an internal combustion engine, or rotary engine and a wankel.

8.16.02 Prohibiting non-operating vehicles

A. Definitions

Antique motor vehicle: A vehicle twenty-five (25) years old or older that is being restored to the point that an antique plate can be secured.

City officials: Mountain Home Police Department and/or Building Inspection Department.

Enclosure: A building, wall or fence that conceals a vehicle from all adjoining property a ground level.

Inoperable motor vehicle: An inoperable motor vehicle shall be defined as any one or more of the following which may apply:

- a. any vehicle placed on blocks
- b. has one or more wheels removed
- c. is not in proper conditions to be legally operated on the streets
- d. lacks an integral part of assembly
- e. is not capable of self-locomotion

Open Storage: Open storage is storage in the open, with no covering or walls. This includes a carport, which has at least two (2) open sides.

Person: This term applies to individuals, as well as firm, corporations and voluntary associations, unless plainly inapplicable.

Public Property: Public property is any street, alley, right-of-way, or property that is owned or under the control and supervision of the municipality.

Private Property: Any property that is not classified as public.

Race Car: A vehicle being constructed or modified for the purpose of racing on a sanctioned drag strip or race course.

B. Inoperable motor vehicles.

1. Inoperable motor vehicle - on public property
It shall be unlawful for any person to maintain, store, or keep an inoperable motor vehicle on public property.
2. Inoperable motor vehicle - on private property
It shall be unlawful for any person to maintain, store, or keep in the open an inoperable motor vehicle on private property for more than seven (7) days, unless an appropriate permit is obtained from the city of Mountain Home.

C. Notice of violation; removal of vehicle.

1. Public Property: When City Officials observe or find an inoperable motor vehicle stored in open public property, the City Officials shall place notice on the vehicle requiring the owner of the vehicle to remove it within twenty-four (24) hours. In the event that the vehicle is not removed, the City is authorized to remove and impound the vehicle, in accordance with the laws governing abandoned motor vehicles. In the event that the motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the City shall immediately have the vehicle removed.

Exception: The above section does not apply to operable motor vehicles parked in front of a residence by the resident or their guest.

2. Private Property: When City Officials observe or find an inoperable motor vehicle stored in the open on private property, the City Officials shall make a reasonable attempt to locate the owner of the motor vehicle, or the person responsible for placing the vehicle upon private property.

The City Officials will serve a written notice to that person to remove the vehicle within seven (7) days of receipt of the notice. If the vehicle is not removed within the seven (7) days, the person shall be charged with a violation of this ordinance and scheduled for appearance in Municipal Court.

Exception for vehicle being repaired, or being prepared as a race car: Nothing in this ordinance shall prevent a person from keeping in the open on private property one (1) inoperable motor vehicle for the purpose of making minor repairs (including antique motor vehicles), or modifying a vehicle for a race car. In either of these situations, the owner of the vehicle shall obtain a permit within seven (7) days from the City Building Inspector's office. This permit will be issued for a three (3) month period, and may be renewed for an additional three (3) month period, if necessary, to complete construction or repairs.

- D. Licensed businesses Nothing in this ordinance is to be interpreted as preventing a licensed business from dealing with any inoperable motor automobiles, as long as they are properly zoned.
- E. Storage of inoperable vehicles Inoperable vehicles that are stored in an enclosure are not in violation of this ordinance.
- F. Penalty Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) each day. Each day such violation occurs shall be considered a separate offense. (Ord. No. 96-19, Secs. 1-6)

8.16.03 Exceptions

Nothing in this chapter shall be construed so as to apply to:

- A. Any motor vehicle that can be started and moved under its own power on demand.
- B. Motorcycles and motor bikes.
- C. Antique automobiles, provided the vehicle has an antique license as by law required.
- D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.

8.16.04 Penalty A violation of this chapter is hereby declared to be a misdemeanor and punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by a jail sentence of one (1) to ten (10) days. Each day a non-operating motor vehicle is upon the premises of a person shall constitute a separate offense.

8.16.05 Violators

A person shall be deemed in violation of this chapter if:

- A. Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area within the terms of this chapter.
- B. Such person owns property on which non-operating motor vehicles are placed, parked or found resting in a prohibited area within the terms of this chapter.
- C. It shall be a prima facie case that the record owner is the owner of property in question.
- D. It shall be a prima facie case that the registered owner of a motor vehicle is the owner of the motor vehicle.

CHAPTER 8.20

PARKING ON STREETS

Sections:

8.20.01	Meters
8.20.02	Definitions
8.20.03	Parking meter zones
8.20.04	Hours of operation
8.20.05	Two-hour zones
8.20.06	Violations
8.20.07	Reports
8.20.08	Evidence
8.20.09	Penalty
8.20.10	Parking fee uses
8.20.11	Supplemental chapter
8.20.12	Enforcement
8.20.13	Parking Authority duties

8.20.01 Meters That the city of Mountain Home, Arkansas, and the City Council thereof, by ordinance or resolution, shall have the power to purchase, install, maintain, operate and control parking meters in the public streets, avenues, roads, alleys, public ways, public parks, public parking lots and public places situated within the city of Mountain Home, Arkansas, at such designated places as the City Council may deem necessary and proper and as it may establish by resolution or ordinance; to set and collect reasonable rates, fees or charges for the

use by vehicles of parking places so designated and equipped with parking meters; to regulate the period of time in which such parking places with parking meters may be used by the public for parking vehicles at such rates; to provide, by ordinance, penalties for the violation of parking meter regulations pursuant to the laws of the State of Arkansas, particularly Act 309 of the Acts of the General Assembly of the State of Arkansas for the year 1939, and the Constitution of the State of Arkansas for the year 1974, as amended. (Ord. No. 110, Sec. 1)

8.20.02 Definitions

Vehicle shall mean any device in, upon or by which any person or property is or may be transported upon a highway or street, except a device which is operated upon tracks or rails.

Parking Meter Zone shall include any public street or public parking area herein designated or hereinafter, by ordinance, designated where parking meters are to be installed, used and operated.

Person shall include any individual, firm, co-partnership or corporation.

Operator shall include every individual who shall operate a vehicle as the owner thereof, or as an agent, employee or permittee of the owner.

Parking Meter Space shall be defined, for the purpose of parallel and/or angle parking, as a space eighteen (18) to twenty-four (24) feet, more or less, along the curb of a street or public parking area. (Ord. No. 113, Sec. 1)

8.20.03 Parking meter zones

- A. All commercially zoned on-street parking located in an area bounded on the North by Fourth and Fifth Streets, on the South by Ninth Street, on the East by Shiras Street and on the West by Elm and Hickory Streets, is hereby designated as a Two (2) Hour Parking Zone.
- B. All city parking lots which are presently regulated by parking meters shall continue to be so regulated as per Section 8.20.01.
- C. The City Council, in its discretion, upon recommendation of the Mountain Home Municipal Parking Authority, may make exceptions to such two (2) hour parking zones for such purposes as loading zones and bus, theater and taxicab spaces.
- D. The Municipal Parking Authority may from time to time designate other parking zones upon the public streets and parking areas and/or eliminate any of the above designated parking zones as, in its opinion, the traffic conditions require. (Ord. No. 87-21, Sec. 2)

8.20.04 Hours of operation Every day except Sunday from eight o'clock (8:00 a.m.) to six o'clock (6:00 p.m.), excepting further the following national holidays of each year:

May 30	Memorial Day
July 4	Independence Day
	Thanksgiving Day
December 25	Christmas Day
(Ord. No. 87-21, Sec. 3)	

8.20.05 Two-hour zones

- A. Any vehicle may park free in the above-designated two (2) hour parking zones for a period of two (2) hours.
- B. Any vehicle parking on a city parking lot which is regulated by the Parking Authority shall pay for the privilege of parking in accordance with the fee or time schedule posted on the meter.
- C. A violation of this provision of this chapter shall be punishable as hereinafter set forth. (Ord. No. 712, Sec. 4)

8.20.06 Violations It shall be unlawful and a violation of this chapter for any person to:

- A. Allow any vehicle registered in the name of or operated by such person, to be parked beyond the two (2) hour legal parking time as herein established in any of the above-designated two (2) hour parking zones;
- B. Allow any vehicle registered in the name of or operated by such person, to remain or be parked at a parking meter on any city lot regulated by the Parking Authority when said meter is displaying a signal indicating that the purchased parking time has expired;
- C. Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter;
- D. Deposit in any parking meter any slug, device or metallic substitute or any other substitute, and to use any coins other than coins of the United States;
- E. Cause, permit or allow any vehicle of a rated capacity greater than one (1) ton or of a wheelbase greater than two hundred eighteen (218) inches or an overall length of two hundred forty (240) inches to park, remain or be placed in any parking space designated by proper markings upon the curbing and pavement for diagonal parking. (Ord. No. 712, Sec. 5)

8.20.07 Reports

- A. It shall be the duty of the Parking Enforcement Officer of the city of Mountain Home, Arkansas, acting in accordance with the instruction issued by the Mayor and City Council or Parking Authority to report:
1. In the case of parking violations on city parking lots, the number of the parking zone or parking space which indicates that the vehicle occupying the parking space has been parked in violation of any of the provisions of this chapter;
 2. The state license of any vehicle parking in violation of this chapter;
 3. The date and hour said officer detected such vehicle parking in violation of the provisions of this chapter; and
 4. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- B. Such officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this chapter and instructing such owner or operator:
1. In the case of a violation of the two (2) hour parking limit existing in all two (2) hour parking zones, to pay to the Parking Authority of the city of Mountain Home, Arkansas, as a penalty for and in full satisfaction of such violation the sum of One Dollar (\$1.00). The failure of such owner or operator to make such payment within twenty-four (24) hours shall render such owner or operator subject to penalties hereinafter provided for violation of the provisions of this chapter.
 2. In the case of a parking meter violation, to pay to the Parking Authority of the city of Mountain Home, Arkansas, as a penalty for and in full satisfaction of such violation the sum of Fifty Cents (50¢). The failure of such owner or operator to make such payment within twenty-four (24) hours shall render such owner or operator subject to penalties hereinafter provided for violation of the provisions of this chapter. (Ord. No. 712, Sec. 6)

8.20.08 Evidence In any hearing in the District Court of the city of Mountain Home, Arkansas, on a charge of illegally parking a vehicle, testimony that a vehicle bearing a certain license plate was found or was duly reported unlawfully parked as prohibited by the provisions of this chapter, and further testimony that the records of the register of motor vehicles for the state or city reflect said license plate was issued to the defendant, shall be prima facie evidence that the vehicle was unlawfully parked, and was so parked or permitted to be parked by the defendant. (Ord. No. 712, Sec. 7)

8.20.09 Penalty

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to fines as follows:
1. In the case of violation of the two (2) hour parking zones, the owner or operator shall pay One Dollar (\$1.00) for the initial violation and Two dollars (\$2.00) for each succeeding hour that the vehicle remains illegally parked. If the fine is not paid within twenty-four (24) hours, the amount of the fine shall be doubled. If the fine is not paid within thirty (30) days, the amount of the fine will double again.
 2. In the case of a parking meter violation, the owner or operator shall pay Fifty Cents (50¢) for the initial violation. If the fine is not paid within twenty-four (24) hours, the amount of the fine shall be doubled. If the fine is not paid within thirty (30) days, the amount of the fine will double again.
 3. In the case of parking in a reserved space or illegal space, the owner or operator shall pay Three Dollars (\$3.00) for the initial violation and Two Dollars (\$2.00) for each succeeding hour that the vehicle remains illegally parked. If the fine is not paid within twenty-four hours, the amount of the fine shall be doubled. If the fine is not paid within thirty (30) days, the amount of the fine will double again.
 4. Any vehicle found to be parked in an area designated for the exclusive use of handicapped persons, on which is not displayed a special handicapped person decal or permit, if operated by a person who is not a handicapped person, while not being used for the actual transporting of a handicapped person, shall be subject to impoundment by the appropriate law enforcement agency, and in addition thereto, the owner of such vehicle shall, upon conviction thereof, be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense plus applicable towing, impoundment and related fees and court costs. (Ord. No. 87-21, Sec. 3)

8.20.10 Parking fee uses The Five Cent (5¢), Ten Cent (10¢) and Twenty-Five Cent (25¢) coins required to be deposited in parking meters as herein provided are hereby levied and assessed as fees to provide the proper regulation and control of traffic upon the public streets and avenues of said city, and also the cost of rental, purchase, installation, supervision, protection, inspection, operation, maintenance and control and use of the parking meters described herein. (Ord. No. 712, Sec. 9)

8.20.11 Supplemental chapter This chapter shall be deemed to be in addition and supplementary to other chapters of said city regulating traffic therein, which are not in conflict herewith. (Ord. No. 87-21, Sec. 10)

8.20.12 Enforcement

- A. It shall be the duty of the Parking Enforcement Officer of the city of Mountain Home, Arkansas, acting in accordance with the instructions issued by the Mayor and City Council or Parking Authority to report:
 - 1. In the case of parking violations on city parking lots, the number of the parking zone or parking space which indicates that the vehicle occupying the parking space has been parked in violation of any of the provisions of this chapter.
 - 2. The state license of any vehicle parked in violation of this chapter.
 - 3. The date and hour said officer detected such vehicle parking in violation of the provisions of this chapter.
 - 4. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violations.

8.20.13 Parking Authority duties.

- A. The Parking Authority may fix the time limitations for legal parking in parking lots and the hours during which said meters must be used by any person desiring to park. The limitations shall be designated on the parking meters.
- B. The Parking Authority shall cause covers to be placed over existing parking meters which presently regulate on-street parking. Such covers and/or signs placed at appropriate intervals shall clearly indicate the establishment of a two (2) hour parking limit.
- C. The Parking Authority shall have lines or markings painted or placed upon the curb and/or street designating parking spaces. It shall be unlawful and a violation of this chapter to park any vehicle across any such line or marking so established. (Ord. No. 712, Sec. 3)

CHAPTER 8.24

HAZARDOUS DRIVING

Sections:

- 8.24.01 Definitions
- 8.24.02 Prohibited
- 8.24.03 Penalty

8.24.01 Definitions For the purpose of this chapter:

- A. Hazardous driving shall be defined as follows:
 - 1. Cutting onto and across private property to avoid established traffic patterns, intersections, stop signs and stop lights;
 - 2. Driving around corners at such a speed and in such a manner as to cause skidding of tires or sliding of the vehicle;
 - 3. Driving in wet or inclement weather at such a speed and/or in such a manner that normal or proper control of the vehicle cannot be maintained; and/or
 - 4. Driving any vehicle in such a manner as to indicate a reckless disregard for the safety of persons or property.
- B. The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a street or highway. (Ord. No. 807, Sec. 1)

8.24.02 Prohibited It shall be unlawful for any person to drive any vehicle in a hazardous manner in the city of Mountain Home, Arkansas. (Ord. No. 807, Sec. 2)

8.24.03 Penalty Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and for a first conviction thereof, shall be punished by a fine not to exceed Fifty Dollars (\$50.00) and on a second or subsequent conviction within three (3) years, shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 807, Sec. 3)

CHAPTER 8.28

PARKING LOT CONSTRUCTION

Sections:

8.28.01	Permits
8.28.02	Landscaping
8.28.03	Site plan
8.28.04	Fees
8.28.05	Penalty

8.28.01 Permits From and after the passage of this ordinance any contractor, business or person who desires to construct, make addition to, or surface a parking lot shall apply to the city of Mountain Home, Arkansas, for a permit. (Ord. No. 97-030, Sec. 1.)

8.28.02 Landscaping That every parking area of five thousand (5,000) square feet or more shall have at least a landscaped area of not less than five percent (5%) of the total parking lot square footage with fifty percent (50%) of the total required landscaping being arranged so that all street frontages receive an equal amount of landscaping. Landscaping may consist of approved planter boxes placed on the surface of the parking area. All landscaping areas must be maintained regularly in order to present a well-kept appearance. No landscaping either in commercial or residential zoning shall be placed in the public right-of-way without prior approval from the city. Future construction may require landscaping to be removed by the property owner. (Ord. No. 97-30, Sec. 2.)

8.28.03 Site plan Proposed parking lots of five thousand (5,000) square feet or larger and additions to an existing parking lot that will result in a total of five thousand (5,000) square feet or larger shall be accompanied by a "Site Plan" prepared by a professional engineer showing grades, drainage control, one (1) foot contours, ingress, egress, curbing on sides of lots abutting streets and landscaping areas. Drainage control shall conform to the 1997 Subdivision Regulations, Ar. 8.5. Parking lots of less than five thousand (5,000) square feet shall be investigated prior to issuance of a permit. The lots must comply with the Ingress, Egress

Ordinance with curbing on the sides of lots abutting streets and may be required to conform to the regulations listed above. Certification of the design engineer that all planned improvements have been constructed in accordance with the approved plans. (Ord. No. 97-30, Sec. 3.)

8.24.04 Fees all permits shall be One (1) Cent per square foot for the first five thousand (5,000) square feet and one-eighth (1/8) of One (1) Cent per each additional square foot, with a minimum of Ten dollars (\$10.00). Provided, however, where a general contractor constructs a parking lot as part of a new building and the construction is part of the estimated cost of the project, there will be no additional permit fees for the parking lot. (Ord. No. 97-30, Sec. 4.)

8.28.05 Penalty Violation of this chapter shall be deemed a misdemeanor punishable by not less than a Fifty Dollar (\$50.00) fine nor more than a Two Hundred Fifty Dollar (\$250.00) fine. Each day shall be deemed a separate violation. (Ord. No. 97-30, Sec. 5.)

CHAPTER 8.32

PARKING FOR HANDICAPPED

Sections:

8.32.01	Parking for persons with disabilities
8.32.02	Handicapped parking
8.32.03	Parking privileges
8.32.04	Parking restrictions
8.32.05	Handicapped persons
8.32.06	Penalties

8.32.01 Parking for persons with disabilities It shall be unlawful for any person to park or permit to be parked any vehicle in any space designated for the exclusive use of a disabled person. (Ord. No. 2004-32, Sec. 1.)

8.32.02 Handicapped parking The "International Symbol of Access" shall designate such parking spaces for handicapped persons. (Ord. No. 2004-32, Sec. 2.)

8.32.03 Parking privileges Parking privileges for parking only by persons with disabilities is defined as follows:

- A. A vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability is permitted exclusive parking privileges in those areas designated for parking only by persons with disabilities.
- B. Vehicles that load or unload a wheelchair or other related mobility device shall be authorized to load or unload, or otherwise use those parking spaces reserved exclusively for persons with disabilities and designated "van accessible."
- C. May park for unlimited periods in parking zones restricted as to the length of parking time permitted.
- D. May park in zones reserved for special types of vehicles, except for those zones authorized for exclusive use by emergency vehicles, ambulances and bus stop areas. (Ord. No. 2004-32, Sec. 3.)

8.32.04 Parking restrictions Restrictions on parking privileges for all persons which also shall be applicable to persons with disabilities.

- A. To zones where stopping, standing, or parking is prohibited for all vehicles.
- B. Zones authorized for exclusive use by emergency vehicles or ambulances, or authorized as bus stop areas or loading zones. (Ord. No. 2004-32, Sec. 4.)

8.32.05 Handicapped persons "Person with a disability" means any individual who, as determined by a licensed physician:

- A. Cannot walk one hundred feet (100') without stopping to rest;
- B. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- C. Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
- D. Uses portable oxygen;
- E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
- F. An individual who is determined by the United States Department of Veterans Affairs to be a totally and permanently disabled service-connected veteran and who is the owner of an automobile which is to be used by, or for, the totally and permanently disabled veteran.
- G. Has a disability temporary in nature and has obtained a special certificate from the Office of Motor Vehicle. (Ord. No. 2004-32, Sec. 5.)

8.32.06 Penalties

- A. Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability, including the access aisle, on which is not displayed a special license plat, a special certificate, or an official designation of another state or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability while not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency.

- B. The owner or driver of the vehicle shall upon conviction be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for the first offense and not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1000.00) for the second and subsequent offenses, plus applicable towing, impoundment, and related fees as well as court costs. (Ord. No. 2004-32, Sec. 6.)

CHAPTER 8.36

PARKING SPACES FOR GOVERNMENT OFFICES

Sections:

8.36.01 Leasing spaces

8.36.01 Leasing spaces

- A. To recover the expense of maintaining said parking areas, the city of Mountain Home shall lease individual parking spaces under a one-year Lease Agreement.
- B. An annual lease agreement with attached parking lot diagram referencing leased space shall be executed for each rented space. The Lessee shall pay \$120.00 per year in monthly installments of \$10.00. (Ord. No. 2000-30, Sec. 1.)

CHAPTER 8.40

BANNERS

Sections:

8.40.01 Banners

8.40.01 Banners

- A. The placement of banners over any street or highway located within the city limits of the city of Mountain Home shall be strictly prohibited.
- B. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), and if such violation be continued, each days' violation shall be deemed a separate offense. (Ord. No. 2007-28, Secs. 1-2.)

CHAPTER 8.44

VACATING STREETS

Sections:

8.44.01 Vacating streets

8.44.01 Vacating streets

Ord. No. 2009-19 Part of unnamed street between Lots 19 & 28 of Langston's Subdivision

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Street Access
- 9.16 Drainage
- 9.20 Street Construction and Repair
- 9.24 Identifying Streets and Buildings
- 9.28 Parking Lots

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 the city of Mountain Home, Arkansas, along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him or her, 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 an owner's or occupant's 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	Definitions
9.08.02	Street cuts and boring prohibited
9.08.03	Bond required
9.08.04	Fee
9.08.05	Safety
9.08.06	Removal of material
9.08.07	Inspection
9.08.08	Backfill and pavement restoration
9.08.09	Boring
9.08.10	Emergency cuts
9.08.11	Municipality cuts
9.08.12	Notification
9.08.13	Penalty

9.08.01 Definitions.

- A. Person: Any individual, firm or corporation, including public utility companies and departments of the city of Mountain Home, Arkansas, and the State of Arkansas.
- B. Cut: Any breaking of the street or ground surface and the removal of material from said break.
- C. Boring: The act of excavating material from beneath the surface without breaking the surface of the ground or street immediately above the excavation. (Ord. No. 88-022, Sec. 1)

9.08.02 Street cuts and boring prohibited. No person shall cut or bore within the right-of-way of any street or alley within the corporate limits of the city of Mountain Home, Arkansas, for any purpose whatsoever without first obtaining a permit therefor from the City Building Inspector. Persons obtaining said permit shall contact the Mountain Home Street Superintendent before any work is begun. The Street Superintendent will make the decision at that time if said person must bore or may be permitted to cut the street or alley and will specify the limits of said cut or bore. At the finish of said job, the City Street Superintendent must make a final inspection of all work. (Ord. No. 88-022, Sec.2)

9.08.03 Bond required. Any person desiring a permit as hereinbefore set out shall first execute and deliver to the City Clerk of the city of Mountain Home, Arkansas, a corporate surety bond in the sum of Five Hundred Dollars (\$500.00) to indemnify the City or any citizen for any damage caused by the failure of such person to comply strictly with the provisions of this chapter. Said bond shall be in full force and effect for the full time that work is in progress. Persons duly licensed and bonded to the City shall be deemed to be bonded for the work planned. In addition, all utilities operating within the city of Mountain Home, Arkansas, are exempt from the bond requirements set out herein. (Ord. No. 88-022, Sec. 3)

9.08.04 Fee. The fee for the permit for each cut or bore made by a person other than a department of the city of Mountain Home, Arkansas, shall be Twenty-Five Dollars (\$25.00) payable at the time of acquiring said permit and shall be in addition to any connection fees or any other fees applicable to the project for which the cut or bore is required, and shall be allocated to the City Street Department provided that public utility companies shall be exempt from the payment of said fee, but shall adhere to all other provisions of this chapter. (Ord. No. 90-031, Sec. 1)

9.08.05 Safety. All work performed pursuant to said permit shall meet all safety standards and the person undertaking such work shall protect the safety of the traveling public by erection of barricades, signs and lights. (Ord. No. 88-022, Sec. 5)

9.08.06 Removal of material. All excavated material shall be removed from the job site prior to commencing backfilling operations. No backfill shall be placed in any cut prior to inspection by the City Street Superintendent. (Ord. No. 88-022, Sec. 6)

9.08.07 Inspection. The City Street Superintendent shall, upon notice, inspect such boring or cuts to determine whether the provisions of this chapter are being observed. One inspection shall be provided for excavation, one for backfill and one for the final paving inspection. Any additional inspections required due to improper construction, cancellation, changes in scheduling or any other conditions requiring additional inspections shall be at the rate of Twenty-Five Dollars (\$25.00) per trip. (Ord. No. 88-022, Sec. 7)

9.08.08 Backfill and pavement restoration.

- A. Upon approval of the excavation by the City Street Superintendent, the excavation shall be backfilled with wet sand, crushed stone dust, crushed stone size #12, crushed limestone base SB-2 or equal, to an elevation twelve (12) inches below the pavement or ground surface. The remainder of the excavation shall be backfilled with crushed stone base SB-2 complying with Section 306.02 of the Arkansas State Highway Commission Standard Specifications except that the top twelve (12) inches may be an approved earth material when the excavation is not under the pavement proper. The backfill shall be compacted to ninety percent (90%) of maximum density as determined by the Standard Proctor Test. In no case shall pea gravel, a bank run or the like be used to backfill any excavation within the right-of-way of any street.

- B. After completion of backfill as set out above, the existing pavement shall be saw cut to a straight, square edge at a point providing a minimum of eighteen (18) inches from the edge of the backfill. This area shall be excavated to a depth of four (4) inches below the surface of the existing pavement. The cut shall be filled with hot asphalt cement surface material complying with Section 408 of the Arkansas Highway and Transportation Department (AHTD) Standard Specification and shall provide a smooth riding surface. If Hot Asphalt Cement (HAC) is not available, cold mix asphalt shall be used as a temporary pavement until such time as Hot Asphalt Cement (HAC) becomes available. (Ord. No. 88-022, Sec. 8)

9.08.09 Boring.

- A. Boring will be commenced a minimum of two (2) feet from the edge of existing pavement or proposed pavement and the bore will be at a minimum depth of two (2) feet.
- B. All voids between the conduit or liner and the bore wall shall be pressure grouted with concrete having a twenty-eight (28) day compressive strength of two thousand pounds per square inch (2,000 PSI). (Ord. No. 88-022, Sec. 9)

9.08.10 Emergency cuts. In the event of an emergency including, but not limited to, a leak in a line, the person shall contact the Building Inspector and pay the permit fee, said person shall then contact the City Street Superintendent and follow the provisions of this chapter as set out hereinabove as soon as practical after such boring or cutting. In no event shall any backfill be put into a cut until all excavated material has been taken from the site. (Ord. No. 88-022, Sec. 10)

9.08.11 Municipality cuts. If said cut is made by the City's Water and Sewer Department for a new tie-on, a Seventy-Five Dollar (\$75.00) fee shall be collected from the property owner by said Department in addition to any other tie-on fees and said fee shall be paid to the City Building Inspector. Fifty Dollars (\$50.00) of said fee shall be allocated to the City Street Department. (Ord. No. 88-022, Sec. 11)

9.08.12 Notification. The contractor will notify the Mountain Home Police and Fire Departments of the date and time that any street cuts will be commenced. (Ord. No. 88-022, Sec. 12)

9.08.13 Penalty. Any person convicted of failure to obtain a permit or pay the fees provided for in Sections 9.08.02, Section 9.08.03 and Section 9.08.12 hereof, or to comply with any sections hereof, shall be fined not more than Two Hundred Fifty Dollars (\$250.00) and each day such failure occurs, or which a violation continues, shall constitute a separate offense. In

addition to said fine, and at the option of the city of Mountain Home, Arkansas, the City may remedy the work done by said person which is in violation of this chapter and charge the costs of remedying said work to said person. (Ord. No. 90-031, Sec. 2)

CHAPTER 9.12

STREET ACCESS

Sections:

9.12.01	Title
9.12.02	Definitions
9.12.03	Procedure for obtaining permit
9.12.04	Construction and location of access
9.12.05	City prerogatives and procedure for appeal therefrom
9.12.06	Penalty

9.12.01 Title. This chapter shall be known as the "Street Access Chapter". (Ord. No. 88-018, Sec. 1)

9.12.02 Definitions.

- A. The term "City" as used herein, refers to the Street Superintendent.
- B. For the purposes of this chapter, "driveway approach" shall be defined as follows:
 - 1. Residential (Class I) - A residential driveway approach is one providing access to a single family residence, a duplex or an apartment building with four (4) or fewer units. Driveways within this classification are generally limited to a maximum of twenty (20) feet in width. However, the maximum width of such a driveway may be increased upon approval of the City but, in no event, shall the maximum width exceed forty (40) feet.
 - 2. Small Commercial and Industrial (Class II) - A small commercial and industrial driveway approach is one providing access to property not used for one of the residential uses as defined above and which has less than two hundred (200) vehicular movements per day.
 - 3. Large Commercial and Industrial (Class III) - A large commercial and industrial driveway approach is one providing access to property not used for one of the residential uses as defined above and which has more than two hundred (200) vehicular movements per day. (Ord. No. 90-014, Sec. 2)

9.12.03 Procedure for obtaining permit.

- A. It shall be unlawful for any person, firm or corporation to construct, reconstruct, alter, remove and/or replace any curb, curb and gutter, drainage structure or driveway approach on public property within the city of Mountain Home, Arkansas, without first having obtained a permit from the Building Inspection Department. All such construction, alteration, removal or replacement shall be under the supervision of the City and in accordance with the specifications hereinafter provided; except:
 - 1. Any addition or resurfacing of a residential driveway approach existing at the time of adoption of this chapter shall only be required to conform to the standards of the existing driveway.
- B. Before a permit required by subsection A shall be issued, the property owner or his duly authorized agent shall submit an application therefore in writing with a plan made a part of such application showing the location, design and layout of the proposed improvement and its relationship to the property lines. For residential and commercial driveway approaches, the application may be part of the plot plan required for a building permit.
- C. When such written application and plan conforming to such subsection B and the other provisions of this chapter have been duly submitted and the fee hereinafter required is paid, the Building Inspection Department shall issue a permit for such improvement.
- D. A fee of Ten Dollars (\$10.00) shall be charged by the Building Inspection Department at the time of application for a permit and such sum shall be paid into the General Fund of the city of Mountain Home, Arkansas. Provided, however, where a general contractor constructs his own driveway approaches as part of new building construction, there will be no additional fee for the driveway approach permit. (Ord. No. 88-018, Sec. 3)

9.12.04 Construction and location of access.

- A. The design, layout and plans for the construction, reconstruction, alteration and/or replacement of all curbs, gutters, drainage structures and driveway approaches of all classes shall conform to and be constructed according to the design and layout as prescribed in Exhibit "A" attached hereto and made a part hereof as if set out in full, hereat, verbatim, and shall be approved by the city.
- B. On those streets which have side ditches without curb and gutter, the driveway approaches shall be constructed as prescribed in Exhibit "A" and in a manner that does not alter or impede the drainage in the side ditch. When a drainage structure

is required, the opening size shall be determined by the Street Superintendent. All culverts shall be approved and installed according to the requirements of the city. Driveways constructed with swale type ditches for drainage will not be permitted without special review and approval from the Street Superintendent.

- C. Along streets having curb and gutter, all residential driveway approaches shall be constructed to a thickness of not less than four (4) inches of concrete and commercial driveway approaches shall have a minimum of six (6) inches concrete with six inch by six inch (6" x 6") six (6) gauge welded wire fabric. Concrete shall conform to the specifications of the Arkansas Highway and Transportation Department. Other materials for driveway approach construction may be used to conform with driveway and street standards as to base and surface specified in the City Subdivision Regulations. (Title 15)
- D. Along streets which have side ditches without curb and gutter, driveway approaches shall have, as a minimum, a thickness and surface course compatible with the existing street quality and type at the time of driveway construction; concrete driveway approaches shall be constructed in accordance with Section 9.12.04(C). Those items pertaining to drainage shall be in accordance with Section 9.12.04(B).
- E.
 - 1. Location of driveway approaches shall be approved to provide maximum safety for street traffic and users of the driveway approach. Property frontages of seventy-five (75) feet or less shall be limited to one (1) driveway approach. A second driveway approach may be allowed on property frontages in excess of seventy-five (75) feet. On properties with frontages in excess of six hundred sixty (660) feet, more than two (2) driveway approaches may be permitted upon written application to the city establishing that the additional driveway approaches will not adversely affect traffic flow on the streets. No more than two (2) additional driveway approaches shall be allowed for each six hundred sixty (660) feet of additional frontage. Each side of a property adjacent to a street shall be considered a separate frontage. Each separate frontage will be used in determining the number of driveway approaches.
 - 2. Where a residential property fronts on both a residential street and a collector or arterial street, access shall be granted from the residential street. Driveway approaches on arterial or collector streets shall be avoided whenever possible.
 - 3. On high volume driveway approaches, such as from shopping centers, special requirements ranging from turning lanes to control of access to the driveway within the property to signalization may be required where deemed necessary by the city. (Ord. No. 88-018, Sec. 4)

9.12.05 City prerogatives and procedure for appeal therefrom.

- A. The city may order removal and/or replacement of any work and/or materials found to be in noncompliance with the permit or provisions of this chapter and may order completion of permitted work within a specified time.
- B. The city may suspend work on any job whenever such suspension shall be deemed necessary to insure good work or when the public interest otherwise requires such suspension.
- C. The city is authorized to give all notices and instructions with reference to the work either to the permittee, any agent of the permittee or to any person in charge of the permitted job.
- D. After all work is completed, the permittee shall remove all rubbish, waste and excess materials from the construction area.
- E. Upon completion and clean up of the permitted job, the permittee shall notify the designated agent of the city of completion and readiness for final inspection. The agent must sign the inspection card as job complete.
- F. Any applicant for permit may appeal any decision to the City Council by filing a written Notice of Appeal within ten (10) calendar days following the decision of the Street Superintendent with the City Clerk, to be placed on the Agenda of the next regularly scheduled Council meeting. Written notice of said decision shall be given to the applicant within ten (10) calendar days. (Ord. No. 88-018, Sec. 5)

9.12.06 Penalty.

- A. No certificate of occupancy shall be issued or granted or permitted unless and until such person obtains the permit required hereunder.
- B. Misdemeanor. Upon conviction hereunder, such person shall pay a fine of not less than Five Hundred Dollars (\$500.00) and each day such violation of this chapter shall exist, shall constitute a separate offense. (Ord. No. 88-018, Sec. 6)

CHAPTER 9.16

DRAINAGE

Sections:

- 9.16.01 Obligations of citizens
- 9.16.02 Penalty
- 9.16.03 Non-exclusivity
- 9.16.04 Erosion control

9.16.01 Obligations of citizens.

- A. Each and every resident of the city of Mountain Home, Arkansas, is prohibited from depositing or placing leaves, grass, debris or any other article on the city's streets or on drainage right-of-ways. Residents are prohibited from burning leaves, grass, debris or any other article on the city's streets or in ditches which are a part of the city's drainage system. (Ord. No. 844, Sec. 1(1), as amended by Ord. No. 93-021, Sec. 1(1))
- B. Each resident of the city shall maintain the right-of-way which is adjacent to his/her place of residence by removing all leaves, grass, debris or any other article which obstructs proper drainage or in any way impairs the right-of-way. (Ord. No. 844, Sec. 1(2), as amended by Ord. No. 93-021, Sec. 1 (2))
- C. Where the property is not occupied, the owner of that property shall maintain the drainage right-of-way which is adjacent to his/her property by removing all leaves, grass, debris and/or any other article which obstructs proper drainage. (Ord. No. 844, Sec. 1(3), as amended by Ord. No. 93-21, Sec. 1(3))
- D. Each landowner of the city of Mountain Home, Arkansas, shall be responsible for mowing up to the curb on his/her property or, in cases where there are no curbs, the landowner shall be responsible for mowing up to the edge of the street. (Ord. No. 93-021, Sec. 1 (4))

9.16.02 Penalty. Any person who violates any provision of this chapter shall, upon conviction thereof, be guilty of a violation. The penalty for a conviction will be restitution to the city of Mountain Home, Arkansas, for its cost to clear the obstruction and/or a fine of a maximum of Fifty Dollars (\$50.00). (Ord. No. 844, Sec. 3, as amended by Ord. No. 93-021, Sec. 2)

9.16.03 Non-exclusivity. Exclusiveness of Chapter, Other Remedies Available. This chapter shall not be deemed exclusive to other remedies available to the city by ordinance or statute or otherwise. (Ord. No. 844, Sec. 4, as amended by Ord. No. 93-021, Sec. 3)

9.16.04 Erosion control.

- A. Temporary erosion control devices shall be provided during construction projects within the city of Mountain Home, Arkansas, to inhibit erosion on the construction site and subsequent siltation in lands and streets off the construction site. As used herein, the term "construction project" shall mean any type of construction for which a building permit is required by the city of Mountain Home, Arkansas. Such devices shall be as detailed on Arkansas Highway and Transportation Department (AHTD) standard drawing TEC-1 or as approved by the Mayor of the city of Mountain Home, Arkansas. (Ord. No. 93-022, Sec. 1)
- B. It shall be the responsibility of the person holding the building permit on each particular construction project to insure that all streets surrounding the construction site are kept free from mud tracking and other siltation. (Ord. No. 93-022, Sec. 2)
- C. Any person, firm, corporation or agent who violates any provision of this chapter shall be fined not less than Fifty Dollars (\$50.00) nor more than Seventy-Five Dollars (\$75.00) and each day such violation shall exist shall be deemed a separate offense. (Ord. No. 93-022, Sec. 3)

CHAPTER 9.20

STREET CONSTRUCTION AND REPAIR

Sections:

- 9.20.01 Prior approval
- 9.20.02 City Council consent
- 9.20.03 Project work defined
- 9.20.04 Comprehensive street program
- 9.20.05 Project changes

9.20.01 Prior approval. No project of street improvement, construction or reconstruction of any street within the city of Mountain Home, Arkansas, to be undertaken by the city of Mountain Home, Arkansas, not actually in progress upon the effective date of this chapter to be done by utilizing curbs and gutters and/or sidewalks shall be commenced without the prior approval of the City Council of the city of Mountain Home, Arkansas. (Ord. No. 91-012, Sec. 1)

9.20.02 City Council consent. No project of street improvement, construction or reconstruction of any street within the city of Mountain Home, Arkansas, which is reasonably expected to cost more than Twenty Thousand Dollars (\$20,000.00) shall be commenced without prior approval of the City Council of the city of Mountain Home, Arkansas. (Ord. No. 91-012, Sec. 2)

9.20.03 Project work defined. "Project", for the purposes of this chapter, means the resurfacing, repair, construction or reconstruction of a street or some number of contiguous blocks thereof (or contiguous blocks of several streets) which conveniently and normally would be undertaken at the same time or within the same street construction and repair season. (Ord. No. 91-012, Sec. 3)

9.20.04 Comprehensive street program. For all street projects hereafter, said projects shall be listed as part of a comprehensive program accepted by the majority of the Mountain Home City Council.

- A. Comprehensive program shall list locations, footage and estimated cost. Priority for projects shall be set by the Mayor and Street Superintendent unless otherwise specified by Council on the basis of need and use.
- B. A progress report shall be given to the City Council on a monthly basis at its second regularly scheduled meeting of the month. (Ord. No. 91-012, Sec. 4)

9.20.05 Project changes. It is recognized that, particularly where repair or reconstruction of streets are involved, unforeseen circumstances may force a change in the planned work. It is further recognized that inordinate delays would result if minor changes in plans for street projects were required to be brought before the entire City Council. Therefore, any minor changes shall be made by the Mayor and Street Superintendent as needed. Project changes substantial in nature shall be approved by the City Council. (Ord. No. 91-012, Sec. 5)

CHAPTER 9.24

IDENTIFYING STREETS AND BUILDINGS

Sections:

- | | |
|---------|---|
| 9.24.01 | Uniform system and Street Numbering Committee |
| 9.24.02 | Base line |
| 9.24.03 | Block numbers |
| 9.24.04 | Even and odd numbers |
| 9.24.05 | Non-through streets |
| 9.24.06 | 911 survey |

9.24.07	Numbers with suffixes
9.24.08	Plat book
9.24.09	Notification
9.24.10	Assignment of numbers
9.24.11	Non-standard streets
9.24.12	Procedure for implementing system
9.24.13	Plats
9.24.14	Changes
9.24.15	Street signs
9.24.16	Adoption of State Road Map
9.24.17	Enforcement Officer appointment

9.24.01 Uniform system and Street Numbering Committee.

- A. Uniform Numbering System Established. There is hereby established a uniform system for numbering the property frontage on all streets, avenues and public and private ways in the city of Mountain Home. All houses, buildings and lots shall be numbered in accordance with the provisions of this chapter. (Ord. No. 94-015, Sec. 1)
- B. Street Numbering Committee. The Mayor is authorized to form a Committee of not more than three (3) people which Committee is to be known as the Street Numbering Committee. (Ord. No. 87-031, Sec. 1)
- C. Responsibilities and Authority. The Committee shall have the following responsibilities, and is hereby given the authority to carry them out. It shall have the power to establish the rules and regulations under which the Committee functions.
 - 1. To assign or approve the name of presently unnamed streets, to assign or approve the name of any new street, to assign or approve the name of any new street brought into the city by annexation, and to change or approve the name of any existing street to prevent duplication or confusion caused by similarity.
 - 2. To numerically designate each block of each street.
 - 3. To assign to each building or combination of buildings if applicable, a number that is in keeping with the continuity of other numbers assigned that street.
 - 4. To approve a type or types of numeral(s), with a minimum height, that may be used for numbering.

5. Determine that numbers are visible from directly in front of the building for at least one hundred (100) feet. (Ord. No. 87-031, Sec. 2)
- D. Building Numbers. The owner of a new building at a location that did not have a designated number must request of the Committee, and the Committee must provide, a number by which that location can be identified. (Ord. No. 87-031, Sec. 3)
- E. Numbering Not Affected by Transfer of Title. Unless otherwise changed by the Committee's number previously authorized will remain in effect notwithstanding a transfer of title. (Ord. No. 87-031, Sec. 4)
- F. City Council Has Final Authority. The Committee may refer to the City Council any matter concerning its responsibility or action for direction or approval. The City Council has the final authority in all matters arising under this section. (Ord. No. 87-031, Sec. 5)
- G. Penalty. Failure of a property owner, or his estate, to comply with the instructions, orders, or rulings of this Committee will result in a fine of Five Dollars (\$5.00) per day for each day of noncompliance beginning on the 14th day following the date of notification from the Committee. (Ord. No. 87-031, Sec. 6)

9.24.02 Base line. Main Street shall constitute the base line for numbering along all streets running easterly and westerly and First Street shall constitute the base line for numbering along all streets running northerly and southerly. (Ord. No. 94-015, Sec. 2)

9.24.03 Block numbers. The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the base line. All numbers assigned to property and buildings shall be assigned on the basis of one for each twenty-five (25) feet of street frontage. Where a lot of record is in excess of twenty-five (25) feet of street frontage with single building occupancy, the building shall be the nearest number within the sequence of the twenty-five (25) foot assignment. (Ord. No. 94-015, Sec. 3)

9.24.04 Even and odd numbers. All buildings on the south and west sides of each street shall bear even numbers and all buildings on the north and east sides of each street shall bear odd numbers. When any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant providing said building occupies a lot, parcel or tract having a frontage equal to twenty-five (25) feet for each such entrance. If the building is not located on a lot, parcel or tract which would permit the assignment of one number to each entrance, numerals shall be used as set forth in Section 9.24.07 herein. (Ord. No. 94-015, Sec. 4)

9.24.05 Non-through streets. All buildings facing streets not extending through to the base line shall be assigned the same relative block numbers derived from the block grid system as if the said street had extended to the said base line. (Ord. No. 94-015, Sec. 5)

9.24.06 911 survey.

- A. The City Council of the city of Mountain Home, Arkansas, shall cause a necessary survey to be made by the 911 Coordinator and completed within twelve (12) months from the date of the adoption of this chapter to determine the address of property, requiring the assignment of an address or requiring the change of an address or street name under the terms of this chapter. Thereafter, there shall be assigned to each house and other residential, commercial, industrial or public building located on or gaining access to any street, avenue or public way in said basing system, its respective number under the uniform system provided for in this chapter according to said survey. When the said survey shall have been completed and each house or building has been assigned its respective number or numbers, the 911 Coordinator shall notify by letter:
 - 1. The owner, occupant or agent of affected house or building;
 - 2. The U.S. Postal Service, the major utilities serving the address and emergency services such as police, sheriff, fire and ambulance service.
- B. The 911 Coordinator shall make a record of the date of the letter sent and the address to which it was mailed. The owner, occupant or agent of the affected house or building shall place or cause to be placed upon each house or building the number or numbers assigned under the address system as provided in this chapter. Such numbers shall be placed on existing buildings within thirty (30) days from the date of the letter of notification. The cost of the numbers shall be paid for by the property owner. Replacement of numbers shall be procured and paid for by the owner. The numbers used shall not be less than three (3) inches in height for residential structures and shall not be less than six (6) inches in height for non-residential structures. The number shall be of a durable reflective material on a color contrasting background to promote visibility. If the proper number is not placed on an existing building within thirty (30) days from the date of the letter of notification, it shall be the duty of the Enforcement Officer to install the proper number or numbers on said premises as hereinafter set forth and to make a charge of Twenty-Five Dollars (\$25.00) plus prosecution cost for each building number. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street on which the number is based. Whenever any building is situated so that the number is not clearly discernible from the street line or vision of the building from the street is otherwise obscured, the number or numbers assigned shall be placed near the walk, driveway or

common entrance to such buildings, and affixed upon a gate post, fence, mailbox, post or other appropriate place so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this chapter. (Ord. No. 94-015, Sec. 6)

9.24.07 Numbers with suffixes. Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building, or for any part of any such house or building fronting on any street, such owner, occupant or agent shall be assigned the suffix (1), (2), (3), etc. as may be required. Fractional numbers shall not be used as an alternative to numerical designations. Distinctive names such as 1st Place, Plaza One or the like may be used by owners to name business locations. However, businesses so named shall also display the correct assigned address number or numbers in accordance with this chapter. (Ord. No. 94-015, Sec. 7)

9.24.08 Plat book. For the purpose of facilitating correct numbering, a plat book of all streets, avenues and public ways within the city showing the proper number of all houses or other buildings fronting upon all streets, avenues, public or private ways shall be kept on file in the office of the Building Inspector. These plats shall be open to inspection of all persons during the normal office hours of the city. Duplicate copies of such plats shall be furnished to appropriate offices or persons of the city's staff. (Ord. No. 94-015, Sec. 8)

9.24.09 Notification. It shall be the duty of the E-911 office to inform any party applying for address numbers therefore of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this chapter. In case of conflict as to the proper number to be assigned to any building, the Mayor shall determine the number of such building. (Ord. No. 94-015, Sec. 9)

9.24.10 Assignment of numbers. The owner or agent proposing to locate any house, building or structure in need of an address in the address service area of the city of Mountain Home shall apply to the E-911 Office for the assignment of the correct number or numbers. In building permit issuing areas, no building permit shall be issued for structures in need of an address and no permanent electrical service shall be installed until the owner or agent has been assigned the correct address. The applicant shall post a temporary sign displaying the assigned address number at the construction site until such time as the permanent number can be displayed. In those parts of the address service area where the property is located outside the city but still part of the Planning Commission jurisdiction, the owner or agent shall apply to the E-911 Office for an assignment of address. The address should be known by the owner or agent before permanent electrical service is extended to the building. Upon occupancy of the structure, the temporary posted address will be permanently affixed to the structure in the manner prescribed in Section 9.24.06. (Ord. No. 94-015, Sec. 10)

9.24.11 Non-standard streets. There is hereby established a uniform system of street naming in the address service area of the city of Mountain Home, Arkansas, and all streets, avenues and other public and private ways shall be named in accordance with the provisions of this chapter. A street or other public way running in the same direction and having an angular deviation of not more than ninety (90) degrees for a distance of not more than three hundred fifteen (315) feet shall carry the same name unless special circumstances make such a plan impracticable or not feasible. Street names shall not be duplicated within the address service area. That part of any street ending in a permanent dead-end or cul-de-sac shall not carry the designation of street, avenue or road, but shall carry the designation of court. The City Council of the city of Mountain Home, Arkansas, may adopt further designations or any additional rules and regulations which may be required from time to time. (Ord. No. 94-015, Sec. 11)

9.24.12 Procedure for implementing system. For the purpose of clarifying and systematizing the present street naming pattern in the address service area and to implement the application of the matters set forth in Section 9.24.11 herein, there is hereby adopted the following plan:

- A. The city of Mountain Home, Arkansas, hereby authorizes the E-911 Coordinator to prepare and present to the City Council of the city of Mountain Home a recommendation for the naming of all unnamed streets, avenues and public and private ways within the address service area of the City and to propose new names to eliminate duplications and sound-alike street names. The proposals for new names to eliminate duplications and sound-alike street names that occur in the unincorporated parts of the address service area shall be reviewed by the E-911 office.
- B. Guidelines for renaming existing streets may be used as criteria when considering the changing of a duplicate or sound-alike street name:
 - 1. Does one street have any historical reason for its name?
 - 2. Which street has the least number of structures on it and thus would require the least number of address changes?
 - 3. Which street has had its name for the longest period of time?
 - 4. Is the name and thoroughfare designation suffix appropriate according to other street names in the neighborhood?
 - 5. Which street name is used for the longest distance or the most traveled section?
- C. Priorities can be established by numerically weighing the importance of these items. Streets with the highest total number would be given priority for name retention.

- D. Developers of property are encouraged to propose street names on plats containing new streets under the guidelines of this chapter. All such names are subject to review by the Planning Commission for compliance with this chapter. (Ord. No. 94-015, Sec. 12)

9.24.13 Plats. Every subdivision plat submitted to the City Council of the city of Mountain Home, Arkansas, for their approval after the effective date of this chapter shall bear upon its face the report of the Planning Commission of the proper names of any and all streets, avenues and public ways proposed for public use including private streets within the jurisdiction of the city of Mountain Home. (Ord. No. 94-015, Sec. 13)

9.24.14 Changes. The City Council of the city of Mountain Home, Arkansas, by resolution, may change, rename or name an existing or newly established street within the limits of said basing system at any time after the adoption of this chapter, upon recommendation of the 911 Coordinator. (Ord. No. 94-015, Sec. 14)

9.24.15 Street signs. Street name signs should be erected in urban areas at all street intersections regardless of other route markings that may be present, i.e., state and county route numbers. The developers of property, when said property development is required to undergo the subdivision review process, shall erect at the developer's expense all street name signs at the intersection of any new streets and at the intersection of new streets with existing streets. The signs shall be in conformance with the specifications as administered by the city of Mountain Home Street Department. (Ord. No. 94-015, Sec. 15)

9.24.16 Adoption of State Road Map. The city of Mountain Home, Arkansas, hereby adopts the updated version of the 1983 Arkansas State Highway Department Road Map as the official 911 map for naming streets, avenues, and public ways within the city of Mountain Home. (Ord. No. 94-015, Sec. 16)

9.24.17 Enforcement Officer appointment. For the purposes of this chapter, the term "Enforcement Officer" mentioned in Section 9.24.06 shall be appointed by the Mayor of the city of Mountain Home, Arkansas. (Ord. No. 94-015, Sec. 17)

CHAPTER 9.28

PARKING LOTS

Sections:

9.28.01	Permit required
9.28.02	Landscaped area
9.28.03	Site Plan
9.28.04	Permit fees
9.28.05	Fine

9.28.01 Permit required From and after the passage of this ordinance any contractor, business or person who desires to construct, make addition to, or surface a parking lot shall apply to the city of Mountain Home, Arkansas, for a permit. (Ord. No. 97-030, Sec. 1.)

9.28.02 Landscaped area Every parking area of five thousand (5,000) square feet or more shall have at least a landscaped area of not less than 5% of the total parking lot square footage with 50% of the total require landscaping being arranged so that all street frontages receive an equal amount of landscaping. Landscaping may consist of approved planter boxes placed on the surface of the parking area. All landscaping areas must be maintained regularly in order to present a well-kept appearance. No landscaping either in commercial or residential zoning shall be placed in the public right-of-way without prior approval from the city. Future construction may require landscaping to be removed by the property owner. (Ord. No. 97-030, Sec. 2.)

9.28.03 Site Plan Proposed parking lots of five thousand (5,000) square feet or larger and additions to an existing parking lot that will result in a total of five thousand (5,000) square feet or larger shall be accompanied by a "Site Plan" prepared by a professional engineer showing grades, drainage control, one-foot contours, ingress, egress, curbing on sides of lots abutting streets, and landscaping areas. Drainage control shall conform to the 1997 Subdivision Regulations Section 8.5. Parking lots of less than five thousand (5,000) square feet shall be investigated prior to issuance of a permit. The lots must comply with the Ingress, Egress Ordinance, with curbing on the sides of lots abutting streets, and may be required to conform to the regulations listed above. Certification of the design engineer that all planned improvements have been constructed in accordance with the approved plans. (Ord. No. 97-030, Sec. 3.)

9.28.04 Permit fees All permits shall be one (1) cent per square foot for the first five thousand (5,000) square feet and one-eighth (1/8) of one (1) cent per each additional square foot, with a minimum of Ten Dollars (\$10.00). Provided, however, where a general contractor constructs a parking lot as part of a new building and the construction is part of the estimated cost of the project, there will be no additional permit fees for the parking lot. (Ord. No. 97-030, Sec. 4.)

9.28.05 Fine Violation of this ordinance shall be deemed a misdemeanor punishable by not less than a Fifty Dollar (\$50.00) fine nor more than a Two Hundred Fifty Dollar (\$250.00) fine. Each day shall be deemed a separate violation. (Ord. No. 97-030, Sec. 5.)

TITLE 10

UTILITIES

Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Cross Connection Program
- 10.16 Identity Theft Prevention Program

CHAPTER 10.04

SEWER REGULATIONS

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10.04.01 Definition of terms

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Act or "**The Act**" shall mean the Federal Pollution Control Act, also known as The Clean Water Act, as amended, 33 U.S. C. 1251, et seq.

Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C, expressed in milligrams per liter (mg/l).

Building Drain shall mean that part of the lowest horizontal piping of a 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 outside the inner face of the building wall.

Building Sewer shall mean the extension for the building drain to the public sewer or other place of disposal (also called "house connection").

Categorical Pretreatment Standards shall mean National Pretreatment Standards or regulations containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency (EPA) applying to industrial users of publicly owned treatment works.

Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Compatible Pollutant shall mean such pollutants as BOD, suspended solids, pH, fecal coliform bacteria, and other such pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works for which said works have been designed and used to remove such pollutants.

Cooling Water shall mean the water discharged from any use such as air conditioning, cooling or refrigeration during which the only pollutant added to the water is heat.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Indirect Discharge shall mean the discharge or introduction of non-domestic pollutants from a source, regulated under Section 307 (b) or (c) of the Act, into the POTW.

Industrial Discharges shall mean any non-residential user who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructive devices and appliances appurtenance thereto.

Industrial Wastes shall mean the wastewater from industrial processes, trade, or business processes or from the development, recovery, or processing of natural resources as distinct from domestic or sanitary waste.

Interference shall mean the inhibition or disruption of a POTW's sewer system, treatment processes, or operations which may contribute to a violation of any requirement of its NPDES permit.

Jurisdiction shall mean all areas within the operation and maintenance area of the Mountain Home Wastewater Treatment System, specifically including, but not limited to the Baxter County Industrial Park and connecting system.

Licensed Master Plumber shall mean any person skilled in the installation of plumbing and licensed as a master plumber by the Arkansas State Board of Health.

Manager Engineer shall mean the manager of the Mountain Home Wastewater Treatment System who shall be the authorized administrative representative of the city of Mountain Home.

May shall be permissive or discretionary.

Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake, or other body of surface or ground water.

NPDES shall mean the National Pollutant Discharge Elimination System permits program as administered by the U.S. Environmental Protection Agency or by the State of Arkansas.

O. and M. shall mean operation and maintenance.

Other Wastes shall mean decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

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

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

POTW shall mean any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and/or operated by the city of Mountain Home.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging.

Private Disposal System shall mean that facility owned, operated, and maintained by any person, individual, firm, company, association, society, corporation, or group for the purpose of collecting and disposing of sewage within the property owned by said person.

Properly Shredded Garbage shall mean the wastes from the preparation, handling, cooking, and dispensing of foods 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 ½ inch in any diameter.

Public Sewer shall mean a common sewer controlled by a governmental agency or public utility.

Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

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

Sewage is the spent water of a community. The preferred term is "**wastewater.**"

Sewer shall mean any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

Sewer System shall mean the Mountain Home Wastewater System as operated by the city of Mountain Home, Arkansas.

Shall is mandatory.

SIC shall mean the classification code of uses based on the 1972 (or subsequent) edition of the Standard Industrial Classification Manual prepared by the Office of Management and Budget.

Significant Industrial Discharges shall mean, for the purpose of this chapter, any nonresidential user which normally discharges wastewater to the POTW in quantities of twenty-five thousand (25,000) gallons per day or greater or whose wastewater contains or has the potential to contain toxic pollutants, restricted pollutants, or non-compatible pollutants.

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.

Slugload shall mean any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

Storm Drain (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (14th Edition) and referred to as nonfilterable residue.

Toxic Pollutant shall mean any pollutant or combination of pollutants listed as being toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act 306 (a) or other Acts.

Unpolluted Water is water of quality equal to or better than the effluent criteria in effect on water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth due to factors beyond the reasonable control of the discharger and excluding noncompliance caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation thereof.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, together with any groundwater, surface water, and storm water that may be present.

Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Plant shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater pollution control plant."

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 92-016, Secs. 1 - 49)

10.04.02 Required and prohibited connections

- A. It shall be unlawful for any person to place, depositor permit to be deposited in any unsanitary manner on public or private property within the city of Mountain Home, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the jurisdiction of the city of Mountain Home Wastewater Treatment System any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided under Section 10.04.03, 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.
- D. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the system jurisdiction 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 ninety (90) days after the date of official notice to connect, provided that said property is within three hundred (300) feet of an accessible sewer.
- E. In any building in which the building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage from such buildings shall be lifted by an approved means and discharged to the building sewer or public sanitary sewer.
- F. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer, and all such connections existing at the date of passage of this chapter shall be removed immediately.
- G. The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the City Plumbing Codes or other applicable rules and regulations of the wastewater system. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Mountain Home Wastewater Treatment Utility.
- H. The owner of any building or buildings which is (are) connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the Wastewater Utility.

- I. Any person outside of the city limits of the city of Mountain Home Arkansas, whose property abuts the industrial park sewer main or any extension of said Industrial Park sewer main shall have the opportunity, at the owner's expense, to connect to said sewer main, provided that the owner meets the requirements of this ordinance and provided that the property shall be annexed to the city when the city becomes contiguous to said property.
- J. With the approval of the city, industries whose properties do not abut the Industrial park Sewer Line may at the owner's expense connect to the Industrial park Sewer Line provided the industry meets the following requirements:
 - 1. Existing industries must have 20 or more employees.
 - 2. New industries who create 20 or more jobs within 1 year from the date connected to the Industrial park Sewer Line
 - 3. Property shall be annexed to the city of Mountain Home when the city becomes contiguous to said property.
(Ord. No. 97-037, Art II.)

10.04.03 Private sewage disposal

- A. Where a public sanitary sewer is not available under the provisions of Section 10.04.02(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the office of the Mountain Home Wastewater Utility which the applicant shall supplement by any plans, specifications, test results, and other information as are deemed necessary. A permit and inspection fee of Twenty-Five Dollars (\$25.00) shall be paid to the Mountain Home Wastewater Utility at the time the application is filed.
- C. Permission for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Mountain Home Wastewater Treatment Utility when the work is ready for final inspection and before any underground portions are covered.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Arkansas State Department of Health and the Arkansas Department of Pollution Control and Ecology. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the property is less than 12,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet without specific written approval which shall become a part of the permit.

- E. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 10.04.02(D), a direct connection shall be made by the owner to the public sewer in compliance with these regulations and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Mountain Home Wastewater Utility.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the State Health Department, Department of Pollution Control & Ecology, or other authority. (Ord. No. 92-016, Art III, Secs. 1 - 7)

10.04.04 Required hook-up for building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Mountain Home Wastewater Utility.
- B.
 - 1. The owner or his agent shall make application to the Water and Sewer Department. The hook-up application shall be supplemented by any plans, specification, or other information considered pertinent to the judgment of the water and sewer manager. A hook-up fee based on the size of water meter serving property shall be paid to the Water and Sewer Department. When the application is complete, and all fees associated with the hook-up have been paid, the City Plumbing Inspector may issue permission to hook-up. Hook-up fees are set as following in Subsection 2 below: (Ord. No. 95-045, Sec. 1)
 - 2.

5/8" x 3/4" water meter	\$400.00
1" water meter	\$500.00
2" water meter	\$600.00
Above 2" to 4"	\$600.00
Above 4" to 6"	\$600.00
Above 6" to 8"	\$600.00

 (Ord. No. 95-045, Sec. 2)
 - 3.
 - a. Additional Charges - The charges set forth hereinabove in Subsection 2 procuring the requisite permit and payment of fees as required by Section 9.08.04 of the Mountain Home Mun. Code.

- b. Sewer - There shall be no connection to the City's sanitary sewer system that is not physically located within the corporate limits of the City, except as permitted in Section 10.04.02, paragraph I of the Mountain Home Municipal Code. (Ord. No. 95-045, Sec. 3)
- 4. Segregation of Fees. The fees collected under the terms of this section shall be placed in a separate account designated as the "sewer expansion account", and the funds deposited therein shall be used solely and exclusively to expand the City's sewer system. (Ord. No. 95-045, Sec. 4)
- C. Each application for a building sewer shall be signed by the licensed master plumber responsible for the work to be performed as shown on the application. The work done under the hook-up shall be supervised by the licensed master plumber.
- D. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly be occasioned by the installation of the building sewer.
- E. A separate and independent building sewer shall be provided for every building except as follows:
 - 1. Where multiple buildings are constructed in an apartment complex or condominium or a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
 - 2. Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.
- F. The size, slope alignment, and materials of construction of a building sanitary sewer and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the rules and regulations of the Wastewater Utility, the Building and Plumbing Codes, or other applicable rules or regulations of the city. In the absence of code provisions or amplification 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.
- G. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Wastewater Inspector, to

meet all requirements of this chapter and other rules and regulations of the Wastewater Utility.

- H. 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.
- I. 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.
- J. The applicant for the building sewer connection permit shall notify the Manager-Engineer when the building is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the Manager-Engineer or his representative. No work shall be covered until the inspection and tests have been made and written approval given.
- K. Test tees and plugs shall be installed where the building sewer connects to a wye stub from the public sanitary sewer in order that a hydrostatic test may be performed by the licensed master plumber or his representative in the presence of the Manager-Engineer or his representative. In the event connection is made to a manhole, no test tee need be installed.
- L. Building sewers shall be connected to a public sanitary sewer not smaller than six (6) inches and only through wye-shaped connections.
- M. In the event the building sewer is connected to a manhole, it shall be inserted through the wall not more than two (2) feet above the bottom or a satisfactory drop shall be installed. The connection shall be thoroughly patched inside and out with Portland cement mortar to make a tight connection. Written permission shall be obtained from the Water and Wastewater Director in the event the building sewer must connect to a manhole. (Ord. No. 2008-3, Sec. 1.)
- N. 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 of Mountain Home Street Superintendent. (Ord. No. 92-016, Art. IV, Secs. 1 - 14)

10.04.05 Disconnecting sewers and permits

- A. Before any dwelling or other building having a connection to the Mountain Home Sanitary Sewer System is moved or demolished, the building sanitary sewer shall

be disconnected at the adjacent property line. The remaining portion of the building sanitary sewer leading into the public sanitary sewer shall be sealed and made water tight.

- B. Prior to the disconnection of any such building sanitary sewer, a permit shall be obtained from the office of the Building Inspection Department. A permit and inspection fee of Fifteen Dollars (\$15.00) shall be paid at the time the application is filed.
- C. After the disconnection seal is made and before the work is covered, the Manager-Engineer shall be notified. No work shall be covered until the inspection has been made and the work approved. Written notice of approval will be given. (Ord. No. 92-016, Art. V, Secs. 1 and 2)

10.04.06 Control of backflow prevention assembly and cross connection control

- A. **Responsibility.** The Water and Sewer Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgement of the Water and Sewer Superintendent, an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the Water and Sewer Superintendent or his/her designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specified location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. No. 94-033, Sec. 1.2)
- B. **Definitions.**

Water and Sewer Superintendent or Health Official: The Superintendent in charge of the Water and Sewer Department of the city of Mountain Home, County of Baxter, state of Arkansas, is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section. (Ord. No. 94-033, Sec. 2.1)

Approved: Accepted by the authority responsible as meeting an applicable specification stated or cited in this section or as suitable for the proposed use. (Ord. No. 94-033, Sec. 2.2)

Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from

another purveyor's public potable water supply or any nature source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control. (Ord. No. 94-033, Sec. 2.3)

Backflow: The undesirable reversal of flow in a potable water distribution system as a result of a cross connection. (Ord. No. 94-033, Sec. 2.4)

Backpressure: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow. (Ord. No. 94-033, Sec. 2.5)

Backsiphonage: Backflow caused by negative or reduced pressure in the supply piping. (Ord. No. 94-033, Sec. 2.6)

Backflow Preventer: An assembly or means designed to prevent backflow. (Ord. No. 94-033, Sec. 2.7)

Air gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25mm). (Ord. No. 94-033, Sec. 2.7.1)

Reduced-pressure backflow prevention assembly: The approved reduced-pressure principle backflow prevention assembly consists of two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks. (Ord. No. 94-033, Sec. 2.7.2)

Double check valve assembly: The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two (2) tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant). (Ord. No. 94-033, Sec. 2.7.3)

Contamination: An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard. (Ord. No. 94-033, Sec. 2.8)

Cross Connection: A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any

circumstances, would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water. (Ord. No. 94-033, Sec. 2.9)

Cross Connections - Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard. (Ord. No. 94-033, Sec. 2.10)

Cross Connection Control by Containment: The installation of an approved backflow prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection. (Ord. No. 94-033, Sec. 2.11)

Degree of Hazard: The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system. (Ord. No. 94-033, Sec. 2.12)

Hazard - Health: A cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects. (Ord. No. 94-033, Sec. 2.12.1)

Hazard - Plumbing: A plumbing-type cross connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow prevention assembly. (Ord. No. 94-033, Sec. 2.12.2)

Hazard - Non-health: A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply. (Ord. No. 94-033, Sec. 2.12.3)

Hazard - System: An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system. (Ord. No. 94-033, Sec. 2.12.4)

Industrial Fluids System: Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in an a form or concentration,

such as would constitute a health, system, pollution or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to:

- A. polluted or contaminated waters;
- B. all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality;
- C. chemicals in fluid form;
- D. plating acids and alkalies;
- E. circulating cooling waters connected to an open cooling tower, and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances;
- F. contaminated natural waters, such as wells, springs, streams, river, bays, harbors, seas, irrigation canals or systems, and so forth; and
- G. oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial, fire-fighting purposes or other purposes. (Ord. No. 94-033, Sec. 2.13)

Pollution: The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water. (Ord. No. 94-033, Sec. 2.14)

Water - Potable: Water that is safe for human consumption as described by the public health authority having jurisdiction. (Ord. No. 94-033, Sec. 2.15)

Water - Non-potable: Water that is not safe for human consumption or that is of questionable quality. (Ord. No. 94-033, Sec. 2.16)

Service Connection: The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system. (Ord. No. 94-033, Sec. 2.17)

Water - Used: Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of deliver and is no longer under the sanitary control of the water purveyor. (Ord. No. 94-033, Sec. 2.18)

C. Requirements of the Water System.

1. The water system shall be considered as made of two parts:

- a. the utility system; and
 - b. the customer system. (Ord. No. 94-033, Sec. 3.1.1)
2. The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins. (Ord. No. 94-033, Sec. 3.1.2)
3. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. (Ord. No. 94-033, Sec. 3.1.3)
4. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system. (Ord. No. 94-033, Sec. 3.1.4)
5. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use. (Ord. No. 94-033, Sec. 3.1.5)

D. Policy.

1. No service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this section. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this section is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected. (Ord. No. 94-033, Sec. 3.2.1)
2. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city of Mountain Home Water and Sewer Department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Water and Sewer Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto. (Ord. No. 94-033, Sec. 3.2.2)

3. An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
 - a. The case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Water and Sewer Commissioner, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriated to the degree of hazard. (Ord. No. 94-003, Sec. 3.2.3a)
 - b. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality. (Ord. No. 94-033, Sec. 3.2.3b)
 - c. In the case of premises having 1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line. (Ord. No. 94-033, Sec. 3.2.3c)
4. The type of protective assembly required under subsections 3(a), (b), and (c) shall depend upon the degree of hazard that exists as follows:
 - a. In the case of any premises where there is an auxiliary water supply as stated in subsection 3(a) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly. (Ord. No. 94-033, Sec. 3.2.4a)

- b. In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly. (Ord. No. 94-033, Sec. 3.2.4b)
 - c. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants. (Ord. No. 94-033, Sec. 3.2.4c)
 - d. In the case of any premises where there are “uncontrolled” cross connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection. (Ord. No. 94-033, Sec. 3.2.4d)
 - e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly on each service to the premises. (Ord. No. 94-033, Sec. 3.2.4e)
 - f. In the case of any premises where, in the opinion of the Water and Sewer Superintendent, an undue health threat is posed because of the presence of extremely toxic substances, the Water and Sewer Superintendent may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Water and Sewer Superintendent and is dependent on the degree of hazard. (Ord. No. 94-033, Sec. 3.2.4f)
5. Any backflow prevention assembly required herein shall be a model and size approved by the Water and Sewer Superintendent. The term approved backflow prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:

- a. A C501-89 - Standard for Double Check Valve Backflow Prevention Assembly, and AWWA C511-89 - Standard for Reduced-Pressure Principle Backflow Prevention Assembly, and have met completely the laboratory and filed performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by "Specifications of Backflow Prevention Assemblies" - Sec. 10 of the most current issue of the Manual of Cross Connection Control. (Ord. No. 94-033, Sec. 3.2.5)
- b. Said AWWA and FCCHR standards and specifications have been adopted by the Water and Sewer Superintendent. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCHR specifications.
- c. The following testing laboratory has been qualified by the Water and Sewer Superintendent to test and certify backflow preventers:

Foundation for Cross Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Water and Sewer Superintendent. (Ord. No. 94-033, Sec. 3.2.5)

- d. Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further testing or qualification. (Ord. No. 94-033, Sec. 3.2.5)
6. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the Water and Sewer Superintendent deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative,

wastewater department personnel, or by a certified tester approved by the Water and Sewer Superintendent. It shall be the duty of the Water and Sewer Superintendent to see that these tests are made in a timely manner. The customer-user shall notify the Water and Sewer Superintendent in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhauls shall be kept and made available to the Water and Sewer Superintendent. Should said inspections and operational tests be performed by the city of Mountain Home Wastewater Department personnel, a fee of Fifty Dollars (\$50.00) per test is hereby assessed against the customer-user with said assessment being paid to the city of Mountain Home at the time the test is performed. (Ord. No. 94-033, Sec. 3.2.6 as amended by Ord. No. 2000-20, Sec. 1.)

7. All presently installed backflow prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under subsection D(6), be excluded from the requirements of these rules so long as the Water and Sewer Superintendent is assured they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance or when the Water and Sewer Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section. (Ord. No. 94-033, Sec. 3.2.7)

- E. Penalty. Any customer-user who is found to be in violations of the terms and conditions of this section shall be subject to a fine of not less than Fifty (\$50.00) Dollars per day nor more than One Hundred Dollars (\$100.00) per day, with each day of violation being deemed a separate offense. (Ord. No. 94-033, Sec. 4)

10.04.07 Industrial waste regulations

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sanitary sewer without written permission from the Manager or Engineer. (Amended by Ord. No. 95-030, Sec. 1)

- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Manager-Engineer. Industrial cooling water or unpolluted process waters may be discharged upon the approval of the Manager-Engineer to a storm sewer or natural outlet.
- C. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater treatment system or otherwise to the facilities:
1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW.
 2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 3. Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
 4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals or to exceed the limitation set forth in Categorical Pretreatment Standards or limitations of other standards promulgated by the Administrator of the U.S. Environmental Protection Agency.
 5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
 6. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state standards applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
8. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
9. Any liquid, wastewater, or vapor at a temperature higher than 65 degrees C (150 degrees F) and/or which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F).
10. Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
11. Any unpolluted water including, but not limited to non-contact cooling water.
12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by the utility in compliance with applicable state or federal regulations.
13. Any wastewater which causes a hazard to human life or creates a public nuisance.
14. Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between 0 degrees C (32 degrees F) and 65 degrees C (150 degrees F).
15. Any water or waste containing garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (3/4 H.P.) or greater shall be subject to the review and approval of the city of Mountain Home.
16. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
17. Specific toxic materials and heavy metals which constitute an immediate or cumulative hazard to humans, animals and a quality life. Dilution of

such materials in lieu of treatment (removal) is not an acceptable policy. (Ord. No. 95-043, Article VI, Section 3 (Q)).

18. Any materials which exert or cause the following:
 - a. 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 and sodium sulfate.
 - b. Excessive discoloration such as, but not limited to, dyes, wastes and vegetable tanning solutions.
 - c. Excessive biochemical oxygen demand, chemical oxygen demand, and/or chlorine demand such as to cause an unusual load on the treatment plant and which interferes with the functioning of the treatment processes.
 - d. Unusual volume of low or concentration of wastes constituting a slug as defined herein.
 19. Any substance which would preclude the selection of the most cost effective alternative For wastewater treatment and sludge disposal. (Ord. No. 95-043, Article VI, Section 3(S))
 20. Any discharged materials which exert or cause BOD in excess of two hundred fifty milligrams per liter (250 mg/l), suspended solids in excess of two hundred fifty milligrams per liter (250 mg/l) or oil and grease in excess of fifty milligrams per liter (50 mg/l) without prior approval of the superintendent and without paying a surcharge for the additional strength of the wastes. (Ord. No. 95-043, Article VI, Sec. 3(T))
- D. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency pursuant to the Act shall be met by all dischargers of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the Mountain Home Wastewater Utility, when the Utility's wastewater treatment system achieves consistent removal of the pollutants as defined in 40 CFR 403.7. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the city of Mountain Home as a part of this chapter.
- E. The following special discharge conditions shall be appropriate for this chapter.

1. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.
 2. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge or a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
- F. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where deemed to be necessary by the city of Mountain Home Wastewater Treatment Utility, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans prepared by a registered professional engineer showing facilities and operating procedures to provide this protection shall be submitted to the city of Mountain Home Wastewater Treatment Utility for review and approval before construction of the facility. Each existing discharger shall complete its plan and submit same to the Wastewater Treatment Utility by 180 days following the enactment of this chapter. No new discharger who proposes to discharge to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Mountain Home Wastewater Treatment Utility. Review and approval of such plans and operating procedures by the Utility shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.
- G. Discharger shall notify the Mountain Home Wastewater Treatment Utility immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or demand to the POTW, in addition to the amount of any fines imposed by the city of Mountain Home on account thereof under state or federal law.
- H. Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure. Emergency notification contacts and procedures shall be specified within the discharger's written permission.

- I. If wastewaters containing any substance described in Section 10.04.07(C) of this chapter are discharged or proposed to be discharged into the sewer systems of the Mountain Home Wastewater Treatment Utility, the city of Mountain Home through the Manager-Engineer may take any action necessary to:
 - 1. Prohibit the discharge of such wastewater.
 - 2. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so hat the discharge will not violate the provisions of this chapter.
 - 3. Require the person(s) making, causing, or allowing the discharge to pay any additional cost or expense incurred by the city of Mountain Home for handling and treating excess loads imposed on the treatment system and to reimburse the city of Mountain Home, Arkansas, for all cost or expenses due to damages caused to the system by the discharge.
 - 4. Take other such remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.
- J. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow control facilities shall first be submitted to the Manager-Engineer for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Manager-Engineer.
- K. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.
- L. Whenever it shall be necessary for the purposes of this chapter, the Manager-Engineer or his designated representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:
 - 1. Copying any records required to be kept under the provisions of this chapter;
 - 2. Inspection of any monitoring equipment or method; and

3. Sampling any discharge of wastewater to the treatment works.
- M. The Manager-Engineer or his designated representative, representatives of the Arkansas State Department of Pollution Control and Ecology, and/or representatives of the United States Environmental Protection Agency, upon presentation of credentials, may enter upon the property or premises of a discharger at reasonable times for the purpose of installing, supervising, and recovering monitoring equipment for wastewater discharges to the POTW.
- N. The Manager-Engineer or his designated representative may enter upon the property at any hour under emergency conditions. The condition of what constitutes an emergency condition shall be at the discretion of the Manager-Engineer.
- O. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.
- P. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitation in this chapter, the facility responsible for such discharges shall immediately notify the Manager-Engineer so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Manager-Engineer detailing the date, time, and cause of the accidental discharges, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.
- Q.
1. Discharge Reports
- a. Every significant industrial user shall file a periodic discharge report at such intervals as are designated by the Manager-Engineer. The Manager-Engineer may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.

- b. The discharge report shall include, but, at the discretion of the Manager-Engineer, shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants, or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the Manager-Engineer may require information in the form of self-monitoring reports.

2. Records and Monitoring.

- a. All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements.
- b. Such records shall be made available upon request by the Manager-Engineer. All such records relating to the compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this chapter shall be prepared quarterly and submitted to the Manager-Engineer.
- c. The owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- d. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Manager may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

- e. When more than one user can discharge into a common sewer, the Manager-Engineer may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Manager-Engineer may require that separate monitoring facilities be installed for each separate discharge.
 - f. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Manager-Engineer's requirements and all applicable construction standards and specifications.
3. Inspection, Sampling, and Analysis.
- a. Compliance determinations with respect to Section 10.04.07(C), prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24 hour period or over a longer or shorter time span, as determined necessary by the Manager-Engineer to meet the needs of specific circumstances.
 - b. Sampling and laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved amendments. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established and/or approved by Arkansas Department of Pollution Control and Ecology.
 - c. Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 10.04.07(C), prohibitions and limitations will be done at such intervals as the Manager-Engineer may designate. However, it is the intention of the Manager-Engineer to conduct compliance sampling or to cause such sampling to be conducted for all major contributing industries at least once in every 1-year period. Sampling and analysis of all categorical industries shall be conducted at time intervals no greater than monthly. Such monitoring of categorical industries may be through required self-monitoring by the industry, by scheduled monitoring by the utility, or both.

R.

1. All significant industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first obtain written permission from the Manager-Engineer of the Mountain Home Wastewater Treatment System.
2. Users seeking permission to discharge wastewater shall complete and file with the Manager-Engineer, an application on the form prescribed by the Manager-Engineer and accompanied by any applicable fee. In support of this application, the user shall submit the following information:
 - a. Name, address, and SIC number of applicant;
 - b. Volume of wastewater to be discharged;
 - c. Wastewater constituents and characteristics including, but not limited to, those set forth in Section 10.04.07(C), of this chapter as determined by a reliable analytical laboratory;
 - d. Time and duration of discharge;
 - e. Average and minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.
 - g. Description of activities, facilities, and plant processes on the premises including all materials and types of materials which are, or could be, discharged;
 - h. Each product produced by type, amount, and rate of production;
 - i. Number and type of employees, and hours of work; and
 - j. Any other information as may be deemed by the Manager-Engineer to be necessary to evaluate the permit application.
3. The Manager-Engineer will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager-Engineer may issue written permission to discharge wastewater subject to terms and conditions provided herein.

4. Permission to discharge wastewater shall be expressly subject to all provisions of this chapter and all other regulations, user charges, and fees established by the Mountain Home Wastewater Treatment Utility. The conditions of permission to discharge wastewater shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Conditions will include the following:
 - a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
 - b. The average and maximum wastewater constituents and characteristics;
 - c. Limits on rate and time of discharge or requirements for flow regulations and equalization;
 - d. Requirements for installation of inspection and sampling facilities, and specification for monitoring programs;
 - e. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;
 - f. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
 - g. Compliance schedules; and
 - h. Other conditions to ensure compliance with this chapter.
5. Duration of Permission to Discharge Wastewater.
 - a. Permission shall be granted for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the Manager-Engineer thirty (30) days prior to the expiration of permission, permission shall automatically be extended for twelve (12) months. The terms and conditions of permission to discharge wastewater may be subject to modification and change by the Manager-Engineer during the life of the permission, as limitations or requirements as identified in Section 10.04.07(C), are modified and changed. The

user shall be informed of any proposed changes in his conditions at least thirty (30) days prior to the effective date of change. Any changes or new conditions of permission to discharge wastewater shall include a reasonable time schedule for compliance.

- b. The Mountain Home Wastewater Treatment Utility reserves the right to amend any permission to discharge wastewater issued hereunder in order to assure compliance by the Wastewater Utility with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, each discharger shall be subject to such standard. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for permission to discharge wastewater, the discharger shall apply for permission to discharge wastewater from the Mountain Home Wastewater Treatment Utility within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. Environmental Protection Agency. In addition, the discharger with an existing permission to discharge wastewater shall submit to the city of Mountain Home, Arkansas, within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by Section 10.04.07(R), of this chapter. The discharger shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- 6. Permission to discharge wastewater is issued to a specific user for a specific operation. Permission shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- 7. Any user who violates the following conditions of his permit or of this chapter or of applicable state and federal regulations, is subject to having his permission to discharge wastewater revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:
 - a. Failure of a user to accurately report the wastewater constituents and characteristics of his discharge
 - b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

d. Violation of conditions of the permit.

8. Information and data furnished to the Mountain Home Wastewater Treatment Utility with respect to the nature and frequency of discharge shall be available to the public or to other governmental agencies without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the city of Mountain Home that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When so requested by a discharger furnishing a report, the portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to government agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information specifically designated as and accepted by the city of Mountain Home, Arkansas, as being confidential shall not be transmitted to any governmental agency by the city of Mountain Home until and unless a ten (10) day written notification is given to the discharger.

10.04.08 Enforcement and penalties

- A. Enforcement Procedures. Whenever the Manager-Engineer finds that any person has violated or is violating this chapter, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.
- B. Public Notification. The city of Mountain Home shall cause to be published annually in the largest daily newspaper published in Baxter County, Arkansas, notification of industrial users which, during the previous 12 months, were significantly violating the provisions of this chapter and/or other applicable pretreatment requirements or standards. For the purpose of this provision, a significant violation is a violation which remains uncorrected forty-five (45) days after notification of non-compliance, which is part of a pattern of non-compliance over a twelve (12) month period; which involves a failure to accurately report

non-compliance; or which resulted in the city of Mountain Home exercising its emergency authority to require the submittal of notices and self-monitoring reports from an industrial user to assess and assure compliance with pretreatment standards and requirements.

C. Show Cause Hearing.

1. If the violation is not corrected by timely compliance, the Manager-Engineer may order any person who causes or allows an unauthorized discharge to show cause before the city of Mountain Home why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the city of Mountain Home regarding the violation, and directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
2. A legal quorum of the City Council of the city of Mountain Home shall conduct the hearing and take the evidence. The City Council may designate any of its members or any employee of the Mountain Home Wastewater System to:
 - a. Issue in the name of the city of Mountain Home notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
 - b. Transmit a report of the evidence and hearing, including transcripts and other evidence together with recommendations and/or findings of the city to any court.
3. At any public hearing, testimony taken before the City Council must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost of production.
4. After the City Council of the city of Mountain Home, Arkansas, has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices, or other resulted appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

5. A discharge in violation of the provisions of this chapter shall be considered a public nuisance. In addition to the procedures outlined in Section 10.04.08, nothing herein shall be deemed to prevent the Mountain Home Wastewater System from seeking appropriate legal and/or equitable relief in the Courts of Arkansas in the event of a discharge in violation of the provisions of this chapter.
- D. Emergency Suspension of Service. The city of Mountain Home may for good cause shown suspend the receipt of wastewater discharge to the POTW and revoke the permission to discharge wastewater of a discharger when it appears to the Manager-Engineer that an actual or threatened discharge presents or threatens an imminent and substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits of this chapter. Any discharger notified of the suspension of service and/or discharge permit shall, within a reasonable period of time as determined by the city of Mountain Home or its representative, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the time specified, the city of Mountain Home shall take all lawful actions necessary to immediately suspend the access of the user to the POTW. The city shall reinstate the service and/or Discharge Permit upon proof by the discharger of the elimination of the non-complying discharges or conditions creating the threat of imminent or substantial danger as set forth above. The discharger shall be charged with reimbursing the city of Mountain Home all costs incurred in the suspension of service before the service will be reinstated.
- E. Penalty; Costs. Any person who is found to have violated an order of the City Council of the city of Mountain Home, Arkansas, or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules and regulations issued hereunder shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation from the person or entity found to have violated this chapter or the orders, rules, and regulations issued hereunder. Also, in accordance with Section 10.04.07 G(3), any discharger which makes, causes, or allows a prohibited discharge which causes additional expense or costs to handle and treat such discharge or to correct damages caused by such discharge shall be required to reimburse the Mountain Home Wastewater Utility for such cost or expense.
- F. Severability. If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect. (Ord. No. 92-016, Article VII, Section 6)

10.04.09 Industrial Park and Airport Commercial enterprises, located within the legal boundaries of the Baxter County Industrial Park, as well as those located within the legal boundaries of the Baxter County Regional Airport, at the time of passage of this chapter, shall be permitted to connect to and use the city of Mountain Home Sanitary Sewer System provided all city, state and federal guidelines and laws are strictly complied with. (Ord. No. 91-029, Sec. 1)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

10.08.01	Title of chapter
10.08.02	Water rates
10.08.03	Sewer rates
10.08.04	Special water service application
10.08.05	Payment penalties and re-connection charges
10.08.06	Availability
10.08.07	Special sewer service application
10.08.08	Wholesale charges and reservation
10.08.09	Custodian of revenues
10.08.10	Application of revenues
10.08.11	Definitions
10.08.12	Water and Sewer Fund
10.08.13	New sewer rates
10.08.14	Fees for building sewers

10.08.01 Title of chapter This chapter shall be known as the Water and Sewer Rate Chapter. (Ord. No. 599, Sec. 1)

10.08.02 Water rates

Water Rate Service Schedule

Residential, Commercial and Industrial Service

The rates paid by any person for water furnished shall be as follows:

A. Availability

1. No more than one (1) residential unit or one (1) business house shall be served through one (1) meter except where this condition now exists

where special conditions make it more practical to serve through one (1) meter.

2. Where more than one (1) residential unit (such as a residence, apartment, mobile home, housekeeping or other unit) or business establishment is served through one (1) meter, the minimum will be based upon a three-quarter inch (3/4") meter for each class of service and will be increased in proportion to the number of units served through one (1) meter.

B. Monthly rate

Monthly rates for **customers inside the city of Mountain Home** shall be as follows:

First 2,000 gallons used per month is the minimum charge.

Excess over 2,000 gallons used per month is \$2.50 per 1,000 gallons.

C. Minimum Charge

	Combined	Mtr. Min.	Demand	ADH Fee
Residential ¾"	\$ 13.65	\$ 6.98	\$ 6.37	\$.30
Commercial ¾"	24.64	13.97	10.37	.30
Commercial 1"	44.14	23.92	19.92	.30
Commercial 1 ¼"	65.26	35.86	29.10	.30
Commercial 1 ½"	90.56	48.82	41.44	.30
Commercial 2"	173.07	98.64	74.13	.30
Commercial 3"	365.51	198.25	166.98	.30
Commercial 4"	597.02	297.86	298.86	.30
Commercial 6"	1,249.53	583.77	665.46	.30
Commercial 8"	2,395.13	1,211.36	1,183.47	.30

(Ord. No. 2008-40, Sec. 2.)

Monthly rates for **customers outside the city of Mountain Home** shall be as follows:

First 2,000 gallons used per month is the minimum charge.

Excess over 2,000 gallons used per month is \$4.98 per 1,000 gallons.

Minimum Charge

	Combined	Mtr. Min.	Demand	ADH Fee
Residential ¾"	\$ 27.04	\$ 13.97	\$ 12.77	\$.30
Commercial ¾"	48.93	27.90	20.73	.30
Commercial 1"	87.99	47.83	39.86	.30
Commercial 1 ¼"	130.23	71.74	58.19	.30
Commercial 1 ½"	180.83	97.64	82.89	.30
Commercial 2"	345.79	197.25	148.24	.30
Commercial 3"	730.71	396.50	333.91	.30
Commercial 4"	1,193.75	595.73	597.72	.30
Commercial 6"	2,498.75	1,167.53	1,330.92	.30
Commercial 8"	4,790.16	2,422.90	2,366.96	.30

It shall be the duty of the Mayor and City Council of the city of Mountain Home to authorize and conduct a review of rates charged by the city of Mountain Home on an annual basis. (Ord. No. 2008-40, Sec. 3.)

D. Wholesale water customer

1. Midway Volunteer Fire Department The Midway Volunteer Fire Department shall pay monthly the following rates for water to the city: A sum which is equal to the rate paid by the Lakeview Midway Water Association. (Ord. No. 92-25, Sec. 1)
2. That the water furnished by the city of Mountain Home, Arkansas, at the above referenced rate shall be furnished to the Midway Volunteer Fire Department for the sole purpose of fire fighting. Obtaining water from the city of Mountain Home by Midway Volunteer Fire Department for any other purpose shall be deemed to be in violation of this subsection and shall cause the city of Mountain Home, Arkansas, to furnish water to the Midway Volunteer Fire Department at the rates charged to commercial enterprises that are furnished water by the city of Mountain Home, Arkansas. (Ord. No. 92-25, Sec. 2)
3. Wholesale customers charge from the water plant is \$2.50 per 1,000 gallons.
4. Wholesale customers charge from the 960-elevation system is \$2.76 per 1,000 gallons.
5. Wholesale customers charge from the 1,080-elevation system is \$2.88 per 1,000 gallons. (Ord. No. 2009-13, Sec. 1.)

The city of Mountain Home does, notwithstanding the provisions of this chapter, reserve the right and responsibility to determine wholesale water rates for water supplied for resale to and used by large consumers, including but not limited to, governmental units, water associations, and improvement districts. Such wholesale rates shall be set and established from time to time as necessary by agreement and contract with any such entity and by ordinance of the city of Mountain Home, Arkansas. (Ord. No. 2009-13, Sec. 2.)

This ordinance shall go into effect for water metered after June 15, 2009. (Ord. No. 2009-13, Sec. 3.)

- E. **Deposit** Every person furnished water by the city of Mountain Home shall pay the following deposits corresponding to the class of service received by such person as set forth in this schedule:

- | | | |
|----|---------------------------|----------|
| 1. | Residential | \$95.00 |
| 2. | Commercial and Industrial | \$189.00 |
- (Ord. No. 2007-35, Sec. 1)

- F. **Meter size** The size of meter to be installed shall be determined by the city. (Ord. No. 2007-35, Sec. 2)

- G. **Connection and installation charges**

1. **Residential, commercial and industrial service** Every consumer shall pay a connection fee for connection to the city's water facilities which shall include the normal installation of a water meter. Fees are as follows:

5/8" x 3/4" water meter	\$1,139.00
1" water meter	1,328.00
1 1/2" water meter	2,130.00
2" water meter	2,467.00
3" water meter	3,416.00
In excess of 3" meter	569.00 plus actual cost of meter and installation charges.

2. **Additional charges** The charges set forth hereinabove in subsection (1) procuring the requisite permit and payment of fees as required by Ord. No. 88-22 to cut a street. (Ord. No. 2007-35, Sec. 3.)

- H. **Sprinkler meter charges** Fees are as follows:

Meter size	Meter cost
¾" meter	\$150.00
1" meter	225.50
1 ½ " meter	1,080.00
2" meter	1,400.00
(Ord. No. 2007-35, Sec. 4.)	

- I. **Turn-on fee** A fee of Thirty Dollars (\$30.00) will be charged for each water meter turned on. (Ord. No. 2007-35, Sec. 5)
- J. **Reconnection fee for non-payment** Every person shall pay, in addition to the bill and applicable penalties thereon, a reconnection charge of \$53.00 to reinstate water and/or sewer service at any time the city has disconnected service due to non-payment. (Ord. No. 2007-35, Sec. 6.)
- K. **Pulled meter charge** In the event the city shall pull the water meter from any person's residential unit or commercial or industrial establishment, such person shall pay a charge of \$53.00. (Ord. No. 2007-35, Sec. 7.)
- L. **Payment** The fees and charges as hereinabove set out are due and payable as follows:
1. Meter installation charge - due and payable prior to installation and setting of meter.
 2. Deposits - due and payable prior to turning water on.
 3. In addition to the various charges and fees applicable, every person shall pay the applicable state and local sales taxes thereon, if any. (Ord. No. 2007-35, Sec. 8)
- M. **Refund of deposit** The city shall refund to any person the deposit paid by such person upon the termination of water service, less such person's outstanding bill for water and/or sewer services, penalties, reconnection fees and taxes applicable, if any, thereon. (Ord. No. 2007-35, Sec. 9)
- N. **Segregation of fees** The sum of \$250.00 out of each such fee collected under this ordinance shall be placed in a special account designated as the "Water Expansion Account", and the funds deposited therein shall be used solely and exclusively to expand the city's water system. (Ord. No. 2007-35, Sec. 10)

- O. **Definitions** The following terms, words and phrases, as used in this ordinance, shall have the following meaning, unless the context hereof clearly requires otherwise, and the singular shall include the plural and vice-versa, and the masculine shall include the feminine and vice-versa.

City shall mean the city of Mountain Home, Arkansas.

Person shall mean a person, firm, partnership, association, corporation or venture. (Ord. No. 2007-35, Sec. 11.)

- P. **Effective date** The charges and fees set hereinabove shall be in full force and effect on and after January 1, 2008. (Ord. No. 2007-35, Sec. 12.)

Q. **Lock tamper fee/charge**

1. A lock tamper fee/charge of \$200.00, plus the actual cost of replacement of lock, meter lid, meter, valve, setter or etc. shall be imposed if damaged and/or removed for, not limited to, the following reasons:
 - a. In the event that a water meter has been locked to disconnect water service for any reason.
 - b. In the event that a customer unlocks a meter to restore service that has been disconnected for any reason.
 - c. In the event that a new customer, not on the system, unlocks a meter to gain water service for any reason.
2. All fees and charges incurred will be due and payable by the customer prior to service being restored. (Ord. No. 2008-9, Sec. 1.)

10.08.03 Sewer rates

- A. That the City hereby establishes the rates to be charged for services furnished by the Sewer System, which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the System, including replacement ("OM&R"). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed).

- B. Minimum User Charges The minimum monthly charge for 2,000 gallons per **residential user** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<u>Meter Size</u>	<u>Minimum Bill</u>
¾"	\$16.38
1"	\$23.00

1. All **residential users** of the Sewer System shall be charged monthly \$3.04 per 1,000 gallons of metered water consumption.
2. The minimum monthly charge for 2,000 gallons per **commercial and industrial users** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<u>Meter Size</u>	<u>Minimum Bill</u>
¾ "	\$24.41
1 "	\$35.75
1-1½"	\$61.27
2"	\$100.01
3"	\$209.63
4"	\$366.50
6"	\$801.20
8"	\$1,415.45

3. All **commercial and industrial users** of the Sewer System shall be charged monthly \$3.04 per 1,000 gallons of metered water consumption.
4. The minimum monthly charge for 2,000 gallons per **Baxter County Industrial Park user** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

5. The minimum monthly charge for two thousand (2,000) gallons per commercial and industrial users of the System shall be calculated as follows:

<u>Meter Size</u>	<u>Minimum Bill</u>
¾"	\$34.97
1"	\$46.31
1-1 ½ "	\$71.82
2"	\$110.57

All **Baxter County Industrial Park users** of the Sewer System shall be charged monthly \$4.41 per 1,000 gallons.

- G. Tapping fee That there shall be a tapping fee in an amount established by the city for every customer who connects to the System.
- H. None of the facilities or services afforded by the System shall be furnished without charge being made therefore. (Ord. No. 2008-41, Sec. 1.)

- I. Special application There shall be no connection to the city's sanitary sewer system that is not physically located within the corporate limits of the city. (Ord. No. 2008-41, Sec. 2.)
- J. A financial management system shall be established and maintained by the city to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R. (Ord. No. 2008-41, Sec. 3.)
- K.
 - 1. The city will continuously monitor the revenues of the Sewer System, including specifically the adequacy of its rates and delinquent billings, and will take appropriate steps to remedy any delinquent billings or inadequacy of rates. The city will make a full review annually of the rates and charges of the Sewer System.
 - 2. The city shall at all times fix, charge and collect rates and charges for services furnished by the Sewer System, including increasing rates and charges as necessary, which shall provide revenues sufficient to at least:
 - a. pay the city's annual costs of OM&R;
 - b. pay annual debt service;
 - c. provide the necessary bond coverage.
 (Ord. No. 2008-41, Sec. 4.)
- L. The user charge system for the Sewer System shall take precedence over any terms or conditions of agreements or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 2008-41, Sec. 5.)
- M. The charges and fees set hereinabove shall be in full force and effect on and after January 1, 2009. (Ord. No. 2008-41, Sec. 8.)

10.08.14 Fees for building sewers

- A. The owner or his/her agent shall make application to the Water and Sewer Department. The hook-up application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Director of Water and Wastewater Services. A hook-up fee based on the size of water meter serving property shall be paid to the Water and Sewer Department. When the application is complete, and all fees associated with the hook-up have been paid, the City Plumbing Inspector may issue permission to hook-up. Hook-up fees are set as follows:

B. Fees

5/8 " x 3/4" water meter	\$600.00
1" water meter	\$750.00
2" water meter	\$900.00
above 2" to 4"	\$900.00
above 4" to 6"	\$900.00
above 6" to 8"	\$900.00
(Ord. No. 2007-36, Sec. 2.)	

C.

1. Additional charges – the charges set forth hereinabove in (B) procuring the requisite permit and payment of fees as required by Ord. No. 90-31.
2. Sewer – There shall be no connection to the city's sanitary sewer system that is not physically located within the corporate limits of the city, except as permitted in Ord. No. 92-16. (Ord. No. 2007-36, Sec. 3.)

- D. The fees collected under the terms of this ordinance shall be placed in a separate account designated as the "Sewer Expansion Account," and the funds deposited therein shall be used solely and exclusively to expand the city's sewer system. (Ord. No. 2007-36, Sec. 4.)

- E. The charges and fees set hereinabove shall be in full force and effect on and after January 1, 2008. (Ord. No. 2007-36, Sec. 5.)

CHAPTER 10.12

CROSS CONNECTION PROGRAM

Sections:

- 10.12.01 General policy
- 10.12.02 Responsibility
- 10.12.03 Definitions
- 10.12.04 Requirements
- 10.12.05 Penalties

10.12.01 General policy

- A. To promote the elimination or control of existing cross-connections, actual or potential, between the customers in-plant potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.
- B. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. No. 06-7, Sec. 1.)

10.12.02 Responsibility The Director of Water and Wastewater Services shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Water and Wastewater Director, an approved backflow-prevention assembly is required (at the customer's water service connection, or within the customer's private water system) for the safety of the water system, the Water and Wastewater Director or his/her designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. No. 06-7, Sec. 2.)

10.12.03 Definitions

Approved Accepted by the authority responsible as meeting an applicable specification stated or cited in this ordinance or as suitable for the proposed use.

Auxiliary water supply Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from

another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

Backpressure A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

Backsiphonage Backflow caused by negative or reduced pressure in the supply piping.

Backflow preventer An assembly or means designed to prevent backflow.

Air gap The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25mm).

Reduced-pressure backflow prevention assembly The approved reduced-pressure principal backflow-prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

Double check valve assembly The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant)

Contamination An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

Cross-connection A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any

circumstances, would allow such substances to enter the potable water system. Other substances may be gasses, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water.

Cross-connection – controlled A connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Cross-connection control by containment The installation of an approved backflow-prevention assembly at the water service connection to any customers premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customers water system, or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections that cannot be effectively eliminated or controlled at the point of the cross-connection.

Director of Water and Wastewater Services or Health Official The Director of Water and Wastewater Services, in charge of the Water And Wastewater Department of the city of Mountain Home, county of Baxter, state of Arkansas, is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

Hazard, degree of The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, health A cross-connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.

Hazard, plumbing A plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

Hazard, non-health A cross-connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

Hazard, system An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

Industrial fluids system Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers bays, harbors, seas, irrigation canals or systems, and so forth; oils, gasses, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial, fire-fighting purposes or other purposes.

Pollution The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

Service connection The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customers water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water, potable Water that is safe for human consumption as described by the public health authority having jurisdiction.

Water, non-potable Water that is not safe for human consumption or that is of questionable quality.

Water, used Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor. (Ord. No. 06-7, Sec. 3.)

10.12.04 Requirements**Water system**

- A. The water system shall be considered as made of two parts: the utility system and the customer system.
- B. Utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- C. The source shall include all components of the facilities and utilized in the production, treatment, storage, and delivery of water to the distribution system.
- D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- E. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

Policy

- A. No service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this ordinance. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city of Mountain Home Water and Wastewater Department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Director of Water and Wastewater Services shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

- C. An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
1. The case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Water and Sewer Commissioner, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriated to the degree of hazard.
 2. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.
 3. In the case of premises having one (1) internal cross-connection that cannot be permanently corrected and controlled, or two (2) intricate plumbing piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.
- D. The type of protective assembly required under subsection C (1), (2) and (3) shall depend upon the degree of hazard that exists as follows:
1. In the case of any premises where there is an auxiliary water supply as stated in C(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure or approved reduced-pressure principal backflow-prevention assembly.
 2. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

3. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principal backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
 4. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principal backflow-prevention assembly at the service connection.
 5. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principal backflow-prevention assembly on each service to the premises.
 6. In the care of any premises where, in the opinion of the Director of Water and Wastewater Services, an undue health threat is posed because of the presence of extremely toxic substances, the Director of Water and Wastewater Services may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Director of Water and Wastewater Services and is dependent on the degree of hazard.
- E. Any backflow-prevention assembly required herein shall be a model and size approved by the Director of Water and Wastewater Services. The term approved backflow-prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association, titled:

AC501-89 – Standard for Double Check Valve Backflow Prevention Assembly, and AWWAC511-89 – Standard for Reduced-Pressure Principal Backflow Prevention Assembly, and have met completely the laboratory and filed performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by "Specifications of Backflow-Prevention Assemblies" – Sec. 10 of the most current issue of the Manual of Cross-Connection Control.

The Director of Water and Wastewater Service has adopted said AWWA and FCCHR Standards and Specifications. A "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA Standards and Specifications shall evidence final approval.

The Director of Water and Wastewater Services to test and certify backflow preventers has qualified the following testing laboratory:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Director of Water and Wastewater.

Backflow-preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further testing or qualification.

- F. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the Director of Water and Wastewater Services deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturers representative, Wastewater Department personnel, or by a certified tester approved by the Director of Water and Wastewater Services. It shall be the duty of the Director of Water and Wastewater Services. It shall be the duty of the Director of Water and Wastewater Services to see that these tests are made in a timely manner. The customer-user shall notify the Director of Water and Wastewater in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Director of Water and Wastewater Services. Should the customer-user request that said inspections and operational tests be performed by the city of Mountain Home Wastewater Department personnel, a fee of Fifty Dollars (\$50.00) per test is hereby assessed against the customer-user with said assessment being paid to the city of Mountain Home at the time the test is performed.

- G. As a courtesy to the customer, notification will be sent with regard to the required inspection. Should the customer fail to comply within the 30-day period, the city of Mountain Home shall deem it necessary to test backflow-prevention assemblies with test cocks (reduced pressure principal, double check valves, and pressure vacuum breaker assemblies) for the purpose of assuring the potable water supply is protected. The test shall be performed at a cost of Fifty Dollars (\$50.00) and added to the customer's monthly water bill.
- H. All presently installed backflow-prevention assemblies that do not meet the requirements of this section, but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained shall, except for the inspection and maintenance requirements under subsection (F), be excluded from the requirements of these rules so long as the Director of Water and Wastewater Services I assured they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Director of Water and Wastewater Services finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section. (Ord. No. 2006-7, Sec. 4.)

10.12.05 Penalties Any customer-user who is found to be in violation of the terms and conditions of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) per day nor more than One Hundred Dollars (\$100.00) per day, with each day of violation being deemed a separate offense. (Ord. No. 2006-7, Sec. 5)

CHAPTER 10.16

IDENTITY THEFT PREVENTION PROGRAM

Sections:

10.16.01	Title
10.16.02	Definitions
10.16.03	Findings
10.16.04	Process of establishing a covered account
10.16.05	Access to covered account information
10.16.06	Credit card payments
10.16.07	Sources and types of red flags
10.16.08	Prevention and mitigation of identity theft

- 10.16.09 Updating the program
- 10.16.10 Program administration
- 10.16.11 Outside service providers

10.16.01 Title This article shall be known as the Identity Theft Prevention Program.

The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 2009-8, Sec. 2.)

10.16.02 Definitions For purposes of this article, the following definitions apply:

City means the city of Mountain Home, Arkansas.

Covered account means

- A. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- B. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

Customer means a person that has a covered account with a creditor.

Identity theft means a fraud committed or attempted using identifying information of another person without authority.

Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

Personal Identifying Information means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the city.
(Ord. No. 2009-8, Sec. 2.)

10.16.03 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision of maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include water and sewer accounts, Police Department accounts and other city services falling within the definition of a covered account as defined by this ordinance.
- C. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts have been identified as potential processes in which identity theft could occur.
- D. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- E. The city determines that there is a moderate risk of identity theft occurring in the following ways:
 - a. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;

- d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment. (Ord. No. 2009-8, Sec. 3.)

10.16.04 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer which shall consist of a valid photo identification recognized by the state of Arkansas. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs. (Ord. No. 2009-8, Sec. 4.)

10.16.05 Access to covered account information

- A. Access to customer accounts shall be password-protected and shall be limited to authorized city personnel.
- B. Such password(s) shall be changed by the Department Director on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor or Department Director, depending upon which is responsible, and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and the Department Director, depending upon who is responsible. (Ord. No. 2009-8, Sec. 5.)

10.16.06 Credit card payments

- A. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

- B. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 2009-8, Sec. 6.)

10.16.07 Sources and types of red flags All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers Examples of alerts include, but are not limited to:
 - 1. A fraud or active duty alert that is included with a consumer report;
 - 2. A notice of credit freeze in response to a request for a consumer report;
 - 3. A notice of address discrepancy provided by a consumer reporting agency;
 - 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- B. Suspicious documents Examples of suspicious documents include:
 - 1. Documents provided for identification that appear to be altered or forged;
 - 2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change Examples of suspicious identifying information include:

1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - a. The address does not match any address in the consumer report; or
 - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
3. Personal identifying information or a phone number, or address, is associated with known fraudulent applications or activities, as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
5. The SSN provided is the same as that submitted by other applicants or customers.
6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example: The customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - a. Non-payment when there is no history of late or missed payments;
 - b. A material change in purchasing or spending patterns.
4. An account that has been inactive for a long period of time is not used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
6. The city is notified that the customer is not receiving paper account statements.
7. The city is notified of unauthorized charges or transactions in connection with a customer's account.

8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts (Ord. No. 2009-8, Sec. 7.)

10.16.08 Prevention and mitigation of identity theft

- A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft of attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Department Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Department Director, who may in his or her discretion determine that no further action is necessary. If the Department Director, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Department Director:
 1. Contact the customer;
 2. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - b. Close the account.
 3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

4. Notify a debt collector within twenty-four (24) hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
 5. Notify law enforcement in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 6. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Department Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Department Director who may, in his or her discretion, determine that no further action is necessary. If the Department Director, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Department Director:
1. Request additional identifying information from the applicant;
 2. Deny the application for the new account;
 3. Notify law enforcement of possible identity theft; or
 4. Take other appropriate action to prevent or mitigate identity theft.
(Ord. No. 2009-8, Sec. 8.)

10.16.09 Updating the program The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- A. The city's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the city offers or maintains; and
- E. Updates in service provider arrangements.
(Ord. No. 2009-8, Sec. 09.)

10.16.10 Program administration The director of each department is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The Department Director will report to the Mayor at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issued such as:
 - 1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - 2. Service provider arrangements;
 - 3. Significant incidents involving identity theft and management's response; and
 - 4. Recommendations for material changes to the program.
- B. The Department Director is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Department Director shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 2009-8, Sec. 10.)

10.16.11 Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the Department Director

shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

- A. Pursuant to 16 CFR 681.1, the purpose of this ordinance is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

- B. Definitions For purposes of this article, the following definitions apply:

Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681©(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

City means city of Mountain Home, Arkansas.

- C. Policy In the event that the city receives a notice of address discrepancy the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
 - a. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. 5318(1);
 - b. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - c. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
2. Verify the information in the consumer report with the consumer.

D. Furnishing consumer's address to Consumer Reporting Agency

1. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
 - a. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
 - b. The city establishes a continuing relation with the consumer; and
 - c. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

E. Methods of confirming consumer addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the city's records to verify the consumer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.
(Ord. No. 2009-8, Sec. 11.)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Fire Prevention Code
- 11.08 Building Permits
- 11.12 Portable Structures and Trailers
- 11.16 Energy Efficiency Standards
- 11.20 Condemned Structures
- 11.24 City Inspector
- 11.28 Plumbing and Gas Code
- 11.32 Electrical Code
- 11.36 Explosives
- 11.40 Contractor's License
- 11.44 Mechanical Code
- 11.48 Moving of Buildings

CHAPTER 11.04

FIRE PREVENTION CODE

Sections:

- 11.04.01 Adoption by reference
- 11.04.02 Deletions, insertions and amendments

11.04.01 Adoption by reference.

The Arkansas Fire Prevention Code, 2002 Edition, as amended and revised, Volume 1 Fire, Volume 2 Building, and Volume 3 Residential; is hereby adopted by reference thereto and incorporated herein, verbatim, word for word, except as specifically modified by this ordinance. (Ord. No. 03-10, Sec. 1.)

11.04.02 Deletions, insertions and amendments.

- A. Delete the Board of Appeals and Adjustments as provided in Section 108 of Volume 1 and use the Board provided in Section 112 of Volume 2.
- B. The fee for an appeal shall be Fifty Dollars (\$50.00) and shall be paid to the City Clerk for deposit in the general fund. (Ord. No. 03-10, Sec. 2)

CHAPTER 11.08

BUILDING PERMITS

Chapters:

11.08.01	Required
11.08.02	Permit fees for commercial buildings
11.08.03	Permit fees for single family and duplexes
11.08.04	Conversion of residential structures
11.08.05	Minimum foundation requirements
11.08.06	Rapid access key boxes
11.08.07	Violation and penalties
11.08.08	Residential Building Contractor's License
11.08.09	Property owner
11.08.10	Requirements
11.08.11	Violations

11.08.01 Required. Building Permit. A building permit shall be obtained from the city of Mountain Home, Arkansas, prior to beginning construction, alteration or repairs other than ordinary repairs. Building permit fees for multi-family, (except duplexes) and commercial buildings shall be seventy-five per cent (75%) of the amount provided for in the schedule below.

11.08.02 Permit fees for commercial buildings

Total Valuation	Fee
\$1,000 and less	No fee, unless inspection required, in which case a \$20.00 fee for each inspection shall be charged.
\$1,000 to \$50,000.00	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,000.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00

\$100,000.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction, thereof, to and including \$500,000.00
\$500,000.00 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof. (Ord. No. 03-10, Sec. 3.)

11.08.03 Permit fees for single family and duplexes Permit fees for single family and duplexes are as follows:

1. Heated area - 10 cents per square foot.
2. Add on heated area - 10 cents per square foot.
3. Add on unheated area - 5 cents per square foot.
4. Detached buildings - 5 cents per square foot.
5. There shall be a minimum fee of Ten Dollars (\$10.00) for each such permit. (Ord. No. 03-10, Sec. 3.)

11.08.04 Conversion of residential structures. Existing residential structures of Type VI construction may be converted for non-hazardous commercial or multiple dwelling uses, provided the following rules set out hereinafter are adhered to completely and without exception.

- A. Type VI structures with a setback of less than ten (10) feet from exterior walls or to property lines shall be protected and have non-combustible exterior on walls.
- B. Any alterations to these structures shall be in compliance with Volume 1, Volume 2 and Volume 3 of the Fire Code.
- C. Existing wiring may be used provided it is checked by a licensed electrician and certified to the Electrical Inspector to be safe from overloads and defects; alterations, repairs and additional wiring must meet the requirements of the latest edition of the National Electrical Code and the City Electrical Ordinance. (Ord. No. 03-10, Sec. 4)

11.08.05 Minimum foundation requirements.

- A. Minimum depth from exterior finished grade to bottom of footing must be eighteen (18) inches.

- B. Minimum width of footing to be twenty-four (24) inches, except for footings on a one (1) story frame dwelling with wood or metal siding may be eighteen (18) inches.
- C. Minimum thickness of footing to be twelve (12) inches, except for a one (1) story frame dwelling with wood or metal siding may be eight (8) inches.
- D. Minimum of two (2) number four (4) longitudinal reinforcing rods placed horizontally, the full length of the footing. Reinforcing rods shall be tied in place with supports every six (6) feet, and each splice shall be lapped a minimum of nine (9) inches and tied.
- E. The footings shall be placed on firm undisturbed soil. Where rock is encountered, the rock shall be removed to a depth of six (6) inches below the bottom of the footing and the rock excavation backfilled with sand. The footing trench shall be free of rock, loose dirt and debris and be inspected prior to the placement of the footing. (Ord. No. 03-10, Sec. 5)

11.08.06 Rapid access key boxes The Fire Official shall require a key box to be installed on the front of the building near the main entry door between four (4) and six (6) feet above final grade. Where access is necessary to verify the existence of a fire or other emergency in these buildings:

- A. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system that is monitored by an alarm company or has an external audible alarm, or such structures that are secured in a manner that restricts access during an emergency;
- B. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
- C. Gated communities.

All key lock boxes shall contain the following:

- A. Keys to locked points of egress, whether in interior or exterior;
- B. Keys to the locked mechanical rooms;
- C. Keys to the locked elevator rooms;
- D. Keys to the elevator controls;
- E. Keys to any fence or secured areas;
- F. Keys to any other areas that may be required by the Fire Official;
- G. A card containing the emergency contact people and phone numbers;

- H. A scaled floor plan of the building;
- I. Any other information that may be required by the Fire Official;

Keys within the lock box shall be labeled for easy identification or indexed to the floor plan of the building and shall be kept current. The Fire Official may require a lock box tamper switch to be connected to the building's fire alarm system.

All newly constructed structures subject to this section shall have the keylock box installed and operational prior to the issuance of an occupancy permit.

All structures in existence on the effective date of this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational.

The Fire Official shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system. (Ord. No. 03-10, Sec. 6.)

11.08.07 Violations and penalties Any person, firm, corporation or agent who violates any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each violation. (Ord. No. 03-10, Sec. 7.)

11.08.08 Residential Building Contractor's License Applications to the Building Inspector for the issuance under Ord. No. 99-002 of a permit for the construction or remodeling of a dwelling, consisting of one (1) but not more than four (4) units for residential occupancy, when the cost of the project is Twenty Thousand Dollars (\$20,000) or more, shall include a copy of such applicant's Residential Building contractor's License issued by the Residential building Contractor's Committee of Arkansas Pursuant to Act 950 of 1999 (A.C.A. 17-25-501 et seq.), as the same may be amended from time to time, and a statement by such applicant that such license is in full force and effect. (Ord. No. 01-24, Sec. 1.)

11.08.09 Property owner A property owner who acts as a residential building contractor for the purpose of construction or remodeling of his own residence is not required to be licensed under this ordinance unless that person constructs or remodels more than one (1) residence per calendar year. (Ord. No. 01-24, Sec. 2.)

11.08.10 Requirements The requirements of this ordinance shall be deemed to be independent of the requirement of any other ordinance for the issuance of permits for such construction or remodeling. (Ord. No. 01-24, Sec. 3.)

11.08.11 Violations Violations of this ordinance shall be punishable as a misdemeanor offense and shall be punishable by a fine of up to \$500.00. Each day that said violation continues shall be a separate offense and each day subsequent to the first of the violation shall be punishable by a fine of up to \$500.00 per day. (Ord. No. 01-24, Sec. 4.)

CHAPTER 11.12

PORTABLE STRUCTURES AND TRAILERS

Sections:

11.12.01	Permit required
11.12.02	Validity
11.12.03	Requirements
11.12.04	Itinerant license
11.12.05	Penalty

11.12.01 Permit required. It shall be unlawful for any person, firm or corporation to erect, construct or maintain a trailer or otherwise temporary structures for concession or business operations within the city of Mountain Home without first having obtained a building permit from the Building Inspector Department. A fee of Five Dollars (\$5.00) shall be charged by the Building Inspector Department at the time of application for a permit and such sum shall be paid into the general fund of the city. (Ord. No. 88-008, Sec. 1)

11.12.02 Validity. The permit issued by the Building Inspector Department shall be valid for a maximum period of thirty (30) days. Any person, firm or corporation desiring to erect, construct or maintain a trailer or otherwise temporary structure for concession or business operations for a period of greater than thirty (30) days, must first obtain express approval from the City Council of Mountain Home. (Ord. No. 88-008, Sec. 2)

11.12.03 Requirements.

Prior to the issuance of a permit by the Building Inspector Department, the trailer or temporary structure must meet the following requirements:

- A. The trailer or temporary structure must meet the setback requirements of the city of Mountain Home Zoning Ordinance (Title 14);
- B. The trailer or temporary structure must have proper distance between structures as set out in city ordinances and building codes;

- C. The trailer or temporary structure shall not be placed in a fire lane;
- D. Any electrical cords used in or about the trailer or temporary structure shall meet the requirements of Chapter 43 of the Fire Code of the state of Arkansas;
- E. The trailer or temporary structure should have fire extinguishers when and where required by law;
- F. The trailer or temporary structure shall not be placed within thirty (30) feet of any exit, entrance, city street or highway. (Ord. No. 2000-8, Sec. 1.)
- G. Any electrical wiring which is required by the trailer or temporary structure shall be installed by a licensed electrician;
- H. The trailer or temporary structure must have a letter of approval from the Baxter County Sanitation Department if required by the Department of Health regulations. (Ord. No. 88-008, Sec. 3)

11.12.04 Itinerant license. In addition to the requirements set out above, any person, firm or corporation operating a trailer, temporary structure, truck, automobile, or stand for concession or business operations must obtain an itinerant's license from the City Clerk prior to opening for business.

Produce farmers selling foodstuff at Hickory Park on Wednesday and Saturday mornings, known as "The Farmers Market," are exempt from this chapter and are regulated under Chapter 4.56 of the city code. (Ord. No. 2000-8, Secs. 2-3)

11.12.05 Penalty. Any person, firm or corporation which fails to comply with the terms of the chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and each day such violation of this chapter shall exist, shall constitute a separate offense. (Ord. No. 88-008, Sec. 5)

CHAPTER 11.16

ENERGY EFFICIENCY STANDARDS

Sections:

- 11.16.01 Title of chapter
- 11.16.02 Adopted by reference

11.16.03	Effective date
11.16.04	Building Inspector requirement
11.16.05	Violations and penalties
11.16.06	Complementary clause
11.16.07	Construction

11.16.01 Title of chapter. This chapter shall be known as the "Energy Efficiency Standards - New Building Construction - 1979." (Ord. No. 666, Sec. 1)

11.16.02 Adopted by reference. The Rules and Regulations for Energy Efficiency Standards for New Building Construction, 1979, Arkansas, First Edition, published by the Arkansas Department of Energy, Little Rock, Arkansas, is hereby adopted by reference thereto and incorporated herein, verbatim, word for word, as if set out in full and is hereafter known as the Rules and Regulations for Energy Efficiency Standards for New Building Construction. (Ord. No. 666, Sec. 2)

11.16.03 Effective date. The rules and regulations and guidelines and minimum standards as set forth in the code hereby adopted shall be effective on December 1, 1981, and thereafter. (Ord. No. 666, Sec. 3)

11.16.04 Building Inspector requirement. The City Building Inspector shall require new building construction to meet the minimum standards for energy efficiency as set out in the code hereby adopted from and after the effective date of this chapter and code hereby adopted. (Ord. No. 666, Sec. 4)

11.16.05 Violations and penalties. Any person, firm or corporation who fails to comply with the rules and regulations and minimum standards as required by the code hereby adopted, shall, upon conviction, be deemed guilty of a misdemeanor and pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each violation, and each day a violation shall exist shall be deemed a separate offense. (Ord. No. 666, Sec. 5)

11.16.06 Complementary clause. The provisions of the various codes adopted by the city regulating construction and occupancy of buildings and structures including, but not limited to, the Building Code, Fire Code, Dwelling Code, Electrical Code, and Plumbing Code shall be complementary one to the other. In the event a provision of one such code conflicts with a provision of another, the more stringent of the codes shall prevail. (Ord. No. 666, Sec. 8)

11.16.07 Construction.

- A. The words "herein" and "hereinafter" and "hereof" and word of similar import, without reference to any particular section, subdivision, or paragraph, refer to this chapter as a whole, rather than any particular section, subdivision or paragraph.

- B. The topical headings of sections, subdivisions or paragraphs herein are for convenience only and shall not affect the construction hereof.
- C. Unless the context clearly represents otherwise, the singular shall include the plural and vice versa, and the masculine shall include the feminine and vice versa. (Ord. No. 666, Sec. 9)

CHAPTER 11.20

CONDEMNED STRUCTURES

Sections:

11.20.01	Unlawful
11.20.02	Condemnation required
11.20.03	Description of property, reason for condemnation
11.20.04	Notice
11.20.05	Removal
11.20.06	Duties of Building Inspector
11.20.07	Proceeds of sale
11.20.08	Enforcement of lien
11.20.09	Penalty
11.20.10	Judicial condemnation, penalty, previous sections applicable

11.20.01 Unlawful. 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 Mountain Home, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council.

11.20.02 Condemnation required. That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council of the city of Mountain Home, Arkansas, will be condemned to insure the removal thereof as herein provided.

11.20.03 Description of property, reason for condemnation That the resolution of the City Council of the city of Mountain Home, Arkansas, condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

11.20.04 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 or owners thereof, if the whereabouts of said owner or owners be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice.

11.20.05 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and 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 Inspector or his duly designated representative.

11.20.06 Duties of Building Inspector. The Building Inspector of the city of Mountain Home, Arkansas, or any other person or persons designated by him 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 and 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 publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance.

11.20.07 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 chapter shall be paid by the person or persons collecting the same to the City Clerk. If any such house, building and/or structure, or the saleable materials therefrom 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 of Mountain Home, Arkansas, plus any fine or fines imposed, the balance thereof will be returned by the City Clerk to the former owner or owners of such house, building and/or structure constituting the nuisance.

11.20.08 Enforcement of 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 Section 1 of Act 8 of 1983. 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 Chancery 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 Chancery Court, and the amount so determined at said hearing, plus ten percent (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 percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector.

11.20.09 Penalty. A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council of the city of Mountain Home, Arkansas, 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 Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.20.04 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.

11.20.10 Judicial condemnation, penalty, previous sections applicable. In the event it is deemed advisable by the City Council of the city of Mountain Home, Arkansas, 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 or owners 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 Chancery 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 Fifty Dollars (\$50.00) is hereby imposed against the owner or owners 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 Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners 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 any other person or persons referred to in Section 11.20.05 of this chapter will take such action as provided in Section 11.20.06 hereof, and Section 11.20.07 of this chapter will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance.

CHAPTER 11.24

CITY INSPECTOR

Sections:

11.24.01 Creating office

11.24.02	Qualifications
11.24.03	Duties
11.24.04	Ex Officio Electrical Inspector
11.24.05	Ex Officio Plumbing and Gas Inspector
11.24.06	Salary and remuneration
11.24.07	Fees
11.24.08	Authority

11.24.01 Creating office. There is hereby created and established the office of City Inspector of the city of Mountain Home, Arkansas, who shall be appointed by a majority vote of the City Council, and who shall serve and hold office at the will and discretion of the City Council. (Ord. No. 159, Sec. 1)

11.24.02 Qualifications. The City Inspector shall be of good moral character and shall be versed in the approved method of building, electrical, plumbing and gas construction and installation, the statutes, laws and ordinances of the State of Arkansas and the city of Mountain Home, Arkansas, relating to building, electrical, plumbing and gas work, the National Electrical Code, and the Arkansas State Plumbing Code and shall be qualified to perform the duties of the Building, Electrical and Plumbing Inspector. (Ord. No. 159, Sec. 2)

11.24.03 Duties. It shall be the duty of the City Inspector to see to the enforcement of all ordinances and provisions relating to buildings or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the ordinances of the city of Mountain Home, Arkansas, and to perform such duties in connection with the issuing of permits and collection of fees as from time to time are prescribed by the City Council. (Ord. No. 159, Sec. 3)

11.24.04 Ex Officio Electrical Inspector. The City Inspector shall act as Ex Officio Electrical Inspector, and shall have all the powers and perform all the duties connected with that office. (Ord. No. 159, Sec. 4)

11.24.05 Ex Officio Plumbing and Gas Inspector. The City Inspector shall act as Ex Officio Plumbing and Gas Inspector and shall have all the powers and perform all the duties connected with that office. (Ord. No. 159, Sec. 5)

11.24.06 Salary and remuneration. The City Inspector shall receive such salary and remuneration as shall be from time to time fixed by resolution of the City Council. (Ord. No. 159, Sec. 6)

11.24.07 Fees. Any and all fees paid for inspections and/or permits issued by the City Inspector shall be paid to the city of Mountain Home, Arkansas, into its general registry fund. (Ord. No. 159, Sec. 7)

11.28.08 Authority No water, electricity or gas shall be turned on for service on premises in which the construction, work or installation does not comply with the ordinances of the city of Mountain Home, Arkansas, and such service shall not be turned on except upon receipt of a final permit or certificate of completion and inspection by the City Inspector; provided, that water, electricity or gas may be turned on for construction work in unfinished buildings. (Ord. No. 159, Sec. 8.)

CHAPTER 11.28

PLUMBING AND GAS CODE

Sections:

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|----------|--|
| 11.28.01 | Adoption of Plumbing and Gas Code by reference |
| 11.28.02 | Additions and deletions |
| 11.28.03 | Back water valve |
| 11.28.04 | Connections |
| 11.28.05 | Complementary clause |
| 11.28.06 | Violations and penalties |
| 11.28.07 | Saving clause |

11.28.01 Adoption of Plumbing and Gas Code by reference The Arkansas State Plumbing Code 2003 Edition and The Arkansas State Gas Code 1995 Edition or the latest edition adopted by the state of Arkansas is hereby adopted by reference thereto and incorporated herein, verbatim, word for word as is set out in full, including amendments and appendices unless hereinafter specifically amended or deleted by the city of Mountain Home, Arkansas, thereto, and is hereafter known as the "Plumbing Code." (Ord. No. 05-10, Sec. 1.)

11.28.02 Additions and deletions

- A. **Definitions.** The following terms, as used in the Plumbing Code and this chapter, shall have the following meaning:
1. **Master Plumber.** Any person licensed as a Master Plumber by the Arkansas State Committee of Plumbing Examiners.
 2. **Journeyman Plumber.** Any person licensed as Journeyman Plumber by the Arkansas State Committee of Plumbing Examiners.
 3. **Plumber.** For the purpose of this Ordinance "Plumber" shall be defined as any person, firm or corporation engaged in the business of constructing, installing, altering and cleaning of plumbing systems as defined herein. A plumber shall be a Master Plumber, or in the case of a firm or corporation,

the owner and/or principal of such firm or corporation shall be a Master Plumber and all supervisors or foremen shall be either Journeyman Plumbers or Master Plumbers. Foremen, working under the supervision of a Master Plumber, may be Journeyman Plumbers.

4. **Sewer Service.** Any drain or waste pipe carrying domestic sewage from a building or structure to the sewerage main or other disposal terminal.
5. **Plumbing Code.** The Arkansas State Plumbing Code 2003 Edition and The Arkansas State Gas Code, 1995 Edition, including all amendments and appendices thereto.
6. **City.** The city of Mountain Home, Arkansas.

The words “approved plastic pipe” as used in Section 10.1.5 of the Plumbing Code shall mean polyethylene. Ultra-high molecular pipe complying with ASTM D-2737 or equal.

B. **Drainage System** , added after Section 11.8.4, Chapter 11, shall be the following:

1. **Bedding.** When rock is encountered in the bottom of the sewer trench, all sewer pipe shall be bedded on a minimum of 4 inches of compacted, crushed limestone dust or crushed limestone size #12. In the case of plastic pipe, bedding as set out hereinbefore shall be placed in all installations regardless of soil condition. Bedding material shall be placed and compacted on both sides of plastic sewer pipe and to a minimum depth of 6 inches above the top of pipe.
2. **Backfill.** Except as set out above under “Bedding” and except within street right-of-ways, backfill may be clean earth provided such earth is devoid of rocks, brick or broken concrete greater than 4 inches in any dimension.
3. **Building Sewer.** Each residential until and each commercial establishment shall be provided with a building sewer.
4. **Backwater Valve.** Drainage piping serving fixtures within buildings, whether presently constructed or hereafter to be built, the floors of which are not more than two (2) feet above the level of the top of the manhole immediately upstream of the service line connecting the building to the main shall be protected by an approved backwater valve.

- C. **Inspection, Tests and Maintenance.** Inserted after Section 14.1.2, Chapter 14, shall be the following:

Local Inspection Required

1. There is hereby created the office of Plumbing Inspector who shall be appointed by the Mayor.
2. The Plumbing Inspector shall have experience in the business of plumbing to the extent it enables him to know when plumbing is installed in accordance with the provisions of the Code. He shall not be connected in any way with any person, firm or corporation directly or indirectly engaged in the business of plumbing or plumbing supplies.
3. It shall be the duty of the Plumbing Inspector to enforce all provisions of this ordinance. The Plumbing Inspector is hereby granted the authority to enter all buildings in the city of Mountain Home, AR, in the performance of his duties, between the hours of 8:00 a.m. and 4:30 p.m. daily.
4. It shall be the duty of the Plumbing Inspector to inspect all plumbing work and to observe all tests of plumbing systems for compliance with the code.

License and Bond Required

1. Any plumber, desiring to do business within the City shall obtain a license annually from the Clerk of the City. Prior to the issuance of said license, the applicant must show proof of valid licensing by the State of Arkansas Committee of Plumbing Examiners.
2. Every plumber doing business in the city of Mountain Home shall execute and deliver to the City a corporate surety bond in the sum of \$1,000.00 to indemnify the City or any citizen for any damage caused by the failure of such plumber to comply strictly with the provisions of the Code and this Ordinance.
3. Appliances which require permanent connection to the potable water system, the sewerage system or to gas piping shall be installed by a master plumber. Exception: A property owner may install such appliance in a single family residence, provided the building is owned and occupied by such owner as his home, and he applies for and is issued a permit to do such work.

Permits, Application and Inspection fees

1. Application for a plumbing permit shall be made on forms provided by the city of Mountain Home, Arkansas, for installation, alteration or repairs other than ordinary repairs. Permits can be purchased at anytime; however, they shall be purchased at least once a month. If the contractor fails to pay for the required permits at least once a month they will be notified no more inspections will be done and their work shall not be covered up until all permits have been paid for and the required inspections completed. It is the responsibility of the plumbing contractor to call for all inspections and to pay all fees. In the event the general contractor calls for the inspections and the work is not complete or does not meet the code the plumbing contractor shall be charged for a re-inspection fee. The fee shall be in accordance with the following:

Inspection Fee	\$40.00 per inspection
Each Plumbing Fixture & Waste Discharging Device	\$1.00
Sewer Connection, Each New or Reconstructed	\$40.00 per inspection
Backflow	\$40.00 per inspection

Inspection includes one (1) rough-in and one (1) final. Any re-inspection due to work not being completed at the time the inspector is called to the job or turned down because it does not meet code will be charged another inspection fee.

Any partial inspection that is done shall also be charged an inspection fee per inspection. (Ord. No. 05-10, Sec. 2.)

11.28.03 Back water valve Drainage piping serving fixtures within buildings, whether presently constructed or hereafter to be built, the floors of which are not more than two (2) feet above the level of the top of the manhole immediately upstream of the service line connecting the building to the main shall be protected by an approved backwater valve. (Ord. No. 05-10, Sec. 3.)

11.28.04 Connections Appliances which require permanent connection to the potable water system, the sewerage system or to gas piping shall be installed by a master plumber. Exception: A property owner may install such appliance in a single family residence, provided the building is owned and occupied by such owner as their home, and they apply for and is issued a permit to do such work. (Ord. No. 05-10, Sec. 4.)

11.28.05 Complimentary clause The provisions of the various Codes adopted by the City regulating construction and occupancy of building and structures including, but not limited to, the Building Code, Fire Code, Electrical Code, Plumbing Code, Mechanical Code and the like shall be complimentary one to the other. In the event that a provision of one conflicts with a provision of another, the more stringent shall prevail. (Ord. No. 05-10, Sec. 5.)

11.28.06 Violations and penalties Any person, firm, corporation or agent who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for each violation and each day such violation shall exist shall be deemed a separate offense. (Ord. No. 05-10, Sec. 6.)

11.28.07 Saving clause Nothing in this ordinance or in the code herein adopted shall be construed to effect any suit or proceeding now pending in any Court, any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance. (Ord. No. 05-10, Sec. 7.)

CHAPTER 11.32

ELECTRICAL CODE

Sections:

11.32.01	Adopted by reference
11.32.02	Board of Adjustments and Appeals/Electrical Code
11.32.03	Licenses
11.32.04	Compliance
11.32.05	Exceptions
11.32.06	Enforcement
11.32.07	Local rule preference
11.32.08	Conduit and switches
11.32.09	Permits, application and inspection fees
11.32.10	Permits and inspections
11.32.11	Complimentary clause
11.32.12	Violations and penalties
11.32.13	Saving clause

11.32.01 Adopted by reference The “National Electrical Code” 2002 Edition adopted by the state of Arkansas is hereby adopted by reference thereto and incorporated herein, verbatim, word for word, as set out in full, including amendments and appendices unless hereinafter specifically amended or deleted, by the city of Mountain Home, Arkansas, thereto and is hereafter known as the "Electrical Code." (Ord. No. 05-8, Sec. 1.)

11.32.02 Board of Adjustments and Appeals/Electrical Code There is hereby established a board to be called the “Board of Adjustments and Appeals/Electrical Code” which shall consist of five (5) members. Such Board shall be composed of:

1. One (1) local power company person;
2. Two (2) electrical contractors; and
3. Two (2) master electricians from the trade.

The said Board shall be appointed by the Mayor of the city of Mountain Home, AR.

- A. **Terms of Office.** Of the first members appointed two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years and One (1) for a term of three (3) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.
- B. **Quorum .** Three members of the Board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the Electrical Inspector, affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required.
- C. **Procedure.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provision of this Code.
- D. **General.** When the Electrical Inspector shall reject or refuse to approve the mode or manner of construction proposed to be followed or material to be used in the installation or alternation of electrical work, or when it is claimed that the provisions of this Code do not apply or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Electrical Inspector to the Board of Adjustments and Appeals. Notice of any appeal shall be in writing and filed within 90 days after the decision is rendered by the Electrical Inspector. Appeals shall be on a form provided by the Electrical Inspector.

- E. **Unsafe or Dangerous Buildings:** In case of electrical work in a building or structure which, in the opinion of the Electrical Inspector may, in his order, limit the time for such appeal to a shorter period.
- F. **Variances:** The Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when in its opinion the enforcement thereof would do manifest injustice, and would be contrary to the spirit injustice, and would be contrary to the spirit and purpose of this code or public interest or when, in its opinion the interpretation of the Electrical Inspector should be modified or reversed.
- G. **Action.** The Board of Adjustments and Appeals shall in every case, reach a decision without reasonable or unnecessary delay. Each decision of the Board of Adjustments and Appeals, shall also include the reasons for the decision. If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal order or disallowance of the electrical Inspector, or varies the application of any provision of this Code, the electrical Inspector shall immediately take action in accordance with such decision. Every decision of the Board of Adjustments and Appeals shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. (Ord. No. 97-007, Sec. 2.)

11.32.03 Licenses No person, member and/or employee of a firm or corporation shall engage in the electrical business of installing, altering, or repairing any electrical wiring, or fixtures in the city of Mountain Home, Arkansas, unless such person, members and/or employees of a firm or corporation have been duly issued a license by the State of Arkansas to engage in said business. Permits to perform electrical work shall be issued by the City, only to said person, members and/or employees of a firm or corporation holding such licenses.

The above section will not prohibit any person from making necessary repairs or alteration or installations in a residence owned and occupied by him providing a permit is issued and an inspection is made. Neither will this section require railroad electricians to carry a license to perform their duties for the railroad as electricians.

Any person, member and/or employee of a firm or corporation in the city of Mountain Home doing electrical work covered by this ordinance or holding himself or itself out as licensed to do electrical work or engage in the electrical business of one or more branches of the electrical industry as hereinafter defined, without first obtaining an electrical license from the State of Arkansas, hereinafter without the proper license set forth, shall, upon conviction thereof, be guilty of a misdemeanor. (Ord. No. 97-007, Sec. 3.)

11.32.04 Compliance Be it further ordained that every person, firm or corporation doing business in the city of Mountain Home, as a licensed electrical contractor shall strictly comply with the ordinance of the city of Mountain Home. (Ord. No. 97-007, Sec. 4.)

11.32.05 Exceptions Nothing in this ordinance shall be construed or interpreted as applying to any firm or corporation, or employee thereof, engaged in providing communication facilities to the public through a central office operated by it, or a firm or corporation or employees thereof engaged in the generation of electrical energy for light, heat or power or electrically operated transportation. (Ord. No. 97-007, Sec. 5.)

11.32.06 Enforcement

- A. It shall be the duty of the Inspections Department to see that all provisions, rules and regulations of this electrical Ordinance of the city of Mountain Home are fully complied with and to inspect all the electrical work done within the corporate limits for lighting, power or heating and shall keep proper records of such inspections; he shall report the results of inspections to the general contractor or to the owner or occupant of the building or structure in or on which the electrical work is being done, and cause to be corrected any deviations from the requirements of this ordinance, or issue approval in writing, when said requirements are found to be satisfied.
- B. It shall be the duty of the Inspector or his authorized assistants to inspect all interior wires and wiring and all electrical apparatus conducting or utilizing electrical current for any purpose whatsoever, within the limits of the city of Mountain Home. He shall be empowered to make such tests as he may deem necessary to ascertain the condition of such wiring or appliances and he shall have the right to remove or compel the removal of any obstructions, such as lathe, plastering, ceiling or flooring which may hinder a full and complete inspection of such wires or apparatus. He may remove or compel the removal of conductors, which are enclosed in conduit or otherwise inaccessible for complete inspection. When said conductors or appliances are not in accordance with the requirements of this ordinance, or found to be unsafe to life or property, he shall have the right to condemn such conductors or appliances as hereinafter provided.
- C. The Inspector or his authorized assistants shall have the right to enter any building, manhole, subway or premises in the discharging of his duties or for the purpose of making any inspections or tests of any electrical apparatus contained therein.
- D. The Inspector or his authorized assistants are hereby empowered to inspect or re-inspect at his option, all interior wiring and apparatus conducting or using electrical current for lights, heat or power, and when the said conductors or apparatus are found to be unsafe to life or property he shall notify the persons, firm or corporation owning, using or operating them, to place the same in a safe and secure condition within forty-eight (48) hours; or within such time frame as the Electrical Inspector shall determine necessary.

- E. It shall be unlawful for any person, firm or corporation to hinder or interfere with the Electrical Inspectors or any of his authorized assistants in the discharge of their duties under this ordinance. (Ord. No. 97-007, Sec. 6.)

11.32.07 Local rule preference Be it further ordained that, where local rules and regulations are set forth in this ordinance, they shall take preference over any rules conflicting therewith. (Ord. No. 97-007, Sec. 7.)

11.32.08 Conduit and switches

- A. All wiring for lights, power and heat in commercial buildings which are structure normally used for public purposes shall be installed in approved electrical conduit. Commercial buildings are those structures, which are not used for residential purposes, excluding hotels and motels.
- B. All light wiring in commercial buildings in sales and display rooms shall be done with wire not smaller than No. 12 wire.
- C. Residences and apartments shall be done with wire not smaller than No. 12 wire, allowing eight (8) outlets per circuit. However, kitchens and laundry rooms shall not have more than two (2) duplex receptacles per circuit installed with wire not smaller than No. 12 wire. No. 14 wire will be allowed on switch legs only.
- D. Ground wire shall not be smaller than No. 6 gauge.
- E. All wiring installed in or under concrete or other type of floor laid on earth, shall be done with galvanized IMC or rigid conduit not smaller than three-fourths (3/4) inch and wire approved for this purpose, or P.V.C. three-fourths (3/4) inch conduit.
- F. In all residential dwellings a minimum service entrance of not less than 100 amperes shall be installed. All circuits will be identified by writing in proper space provided in the lid of the service panel.
- G. Service entrance switches and meter loops shall be located in readily accessible places. The service entrance and meter loops shall not be placed above any wooden decks. (Ord. No. 05-8, Sec. 3.)

11.32.09 Permits, application and inspection fees Application for an electrical permit shall be made on forms provided by the city of Mountain Home, Arkansas, for installation, alteration or repairs other than ordinary repairs. Permits can be purchased at anytime; however, they shall be purchased at least once a month. If the contractor fails to pay for the required permits at least once a month they will be notified that no more inspections will be done and

their work shall not be covered up until all permits have been paid for and the required inspections completed. It is the responsibility of the electrical contractor to call for all inspections and to pay all fees. In the event the general contractor calls for the inspections and the work is not complete or does not meet code, the electrical contractor shall be charged a re-inspection fee. The fee shall be in accordance with the following:

Inspection Fee	\$20.00
Each 110 Opening	.25 per opening
Each 220 Opening	\$2.00 per opening
Each New Service	\$5.00

Inspection includes one (1) rough-in and one (1) final. Any re-inspection due to work not being completed at the time the inspector is called to the job or turned down because it does not meet code will be charged another inspection fee.

Any partial inspection that is done shall also be charged an inspection fee per inspection. (Ord. No. 05-8, Sec. 2.)

- E. **Temporary Service Pole.** There shall be a pole securely set in the ground, pole to be of sufficient height to support the service drop, a minimum of ten (10) feet above ground. Provide meter base, minimum conduit size 3/4 inch, minimum wire size No. 6, and weather head. Equipped with fused or breaker disconnect switch and grounding type receptacle, with a ground fault protection device system to be assembled in conduit and grounded, on construction site.

Temporary Service Temporary power will be allowed prior to final inspection providing the panel cover is installed and the required amount of circuit breakers and receptacles are installed and protected for the purpose of testing and used as needed for construction. The structure shall also be able to be locked to keep out the general public only after inspection and approved certificate is turned into the power company.

If, for any reason, the Inspector finds that permanent power is misused or is used in an unsafe manner for temporary power pole or temporary service, he shall have the right to notify the power company to pull that service immediately. (Ord. No. 05-8, Sec. 4.)

- F. **Rough-In Inspection** Before any interior electrical wiring shall be concealed from view, or in case said wiring is in conduit, before said conduits shall be concealed from view, the person, firm or corporation installing same shall give notice to the Electrical Inspectors Department, who shall, as soon as possible after the receipt of said notice, inspect said work, and no such work shall be concealed from view before the inspection has occurred or the expiration of two (2) working days from the receipt of said notice.

- G. **Final Inspection.** Before any electrical current shall be used upon any electrical wiring of any character, notice shall be served upon the Electrical Inspectors Department, who shall, as soon as possible, make a final inspection of said wiring; and if said installation has been constructed in accordance with the rules and requirements of this ordinance, he shall issue a certificate of inspection, which shall contain an inspection approval and date of said inspection. No current shall be used prior to the issuance of said certificate.
- H. This ordinance shall not be construed to relieve from or lessen the responsibilities of any person, firm or corporation owning, operating or installing electrical wires, appliances, apparatus, construction or equipment, for the damage to property or persons injured by any defect therein, nor shall the City or any agent thereof be deemed to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the Electrical Inspector. (Ord. No. 97-007, Sec. 9.)

11.32.10 Permits and inspections

- A. It shall be unlawful for any person, firm or corporation operating in the City of Mountain Home, to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature or description, without first obtaining a permit from the electrical Inspector's Office and obtaining an inspection certificate.
- B. The said Electrical Inspector is hereby authorized and empowered to cause the turning off of all electric current from all outdoor conductors or apparatus which are deemed by him to be in an unsafe condition or which have not been installed in conformity with the provisions of this ordinance. No person, firm or corporation, or agent hereof shall supply or cause to be supplied any electric current to conductors or apparatus which have been deemed by said Electrical Inspector to be in an unsafe condition or which have not been installed in conformity with the provisions of this ordinance and from which said electrical inspector has caused the electric current to be disconnected. (Ord. No. 97-007, Sec. 10.)

11.32.11 Complimentary clause The provisions of the various Codes adopted by the City regulating construction and occupancy of building and structures including, but not limited to, the Building Code, Fire Code, Electrical Code, Plumbing Code, Mechanical Code and the like shall be complimentary one to the other. In the event that a provision of one conflicts with a provision of another, the more stringent shall prevail. (Ord. No. 05-08, Sec. 5.)

11.32.12 Violations and penalties Any person, firm, corporation or agent who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred

Dollars (\$200.00) for each violation and each day such violation shall exist shall be deemed a separate offense. (Ord. No. 05-8, Sec. 6.)

11.32.13 Saving clause Nothing in this ordinance or in the code herein adopted shall be construed to effect any suit or proceeding now pending in any Court, any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance. (Ord. No. 05-8, Sec. 7.)

CHAPTER 11.36

EXPLOSIVES

Sections:

11.36.01	Definitions
11.36.02	Storage, transportation and use prohibited
11.36.03	Manufacture, sale, storage and use prohibited
11.36.04	Permissible high explosives
11.36.05	Permit, application and approval
11.36.06	Safety precautions
11.36.07	Failure to comply deemed unlawful
11.36.08	Time limit
11.36.09	Revocation of permit
11.36.10	Penalty for violation

11.36.01 Definitions. The following definitions shall apply to this chapter:

Person means an individual, firm, partnership, corporation or entity other than a public utility as described in Section 11.36.01 (C).

Audible Sound Device means a device which produces an audible sound of no less than seventy (70) decibels at a distance of five hundred (500) feet from the site of the explosion and shall not be or include a truck or vehicle horn or siren.

Public Utility means an individual, firm, partnership or corporation which furnishes a public utility type service to the inhabitants of the city or immediate area adjacent thereto pursuant to a franchise, consent or contract with the city, but shall not include employees of a parent or subsidiary corporation, firm or enterprise performing work for a public utility company.

Approved Blasting Operations means blasting pursuant to a permit issued any person or public utility pursuant to the provisions of this chapter.

City means the city of Mountain Home, Arkansas, and its corporate limits as now existing or hereinafter established. (Ord. No. 568, Sec. 1)

11.36.02 Storage, transportation and use prohibited. The storage, transportation or use of nitroglycerin based explosives or blasting agents is hereby prohibited within the city.

11.36.03 Manufacture, sale, storage and use prohibited.

- A. The manufacture, sale, storage and use of explosives and blasting agents is prohibited within the city except for temporary storage, transportation and use in connection with approved blasting operations as hereinafter provided, emergency blasting operations by a public utility and the storage and sale of wholesale and retail stocks of small firearms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds of explosive material.
- B. "Temporary Storage" means that amount of high explosives which will be used in the current day's operations and permissible high explosives shall not be left at any site or project during the non-working hours. (Ord. No. 568, Sec. 3)

11.36.04 Permissible high explosives. Only non-nitroglycerin products as hereinafter authorized including, but not limited to, water gels and slurries, may be used within the city. (Ord. No. 568, Sec. 4)

11.36.05 Permit, application and approval.

- A. Every person or public utility who shall hereinafter contemplate blasting any rock or other substance within the city, shall before blasting, file application for permit with the Mayor.
- B. Except as otherwise provided herein, no person or public utility shall commence blasting until he receives a permit. Any number of locations may be set out in any one (1) application or permit.
- C. Every person shall notify the Police Department for each location that blasting is to be done prior to detonation of explosives pursuant to a permit issued such person.
- D. Every person or public utility that shall contemplate blasting operations of any type within the city during any year may apply anytime during that year for a

blanket permit for a period not to exceed one (1) year from the date of issuance. This blanket permit will authorize and allow the person or public utility to all rights and privileges extended to those persons holding permits except that it will authorize any and all necessary blasting by the person or public utility without the necessity of offering permits for each individual blasting operation. After receipt of the blasting permit, the person or public utility may proceed with the necessary blasting as it deems proper with the only requirement being that the person or public utility notify the Police Department of each location of blasting operations prior to detonation.

- E. In an emergency situation, a public utility shall not be required to obtain any permit or permission of any type to undertake blasting operations. An emergency situation arises when a situation calls for immediate remedial action to protect the public utility's customers, the public's property or lives, or to minimize damage to or loss of utility property. When acting in an emergency situation, a public utility shall notify the Mayor of its actions as soon as reasonably possible after the emergency ends. (Ord. No. 568, Sec. 5, as amended by Ord. No. 663, Sec. 1)

11.36.06 Safety precautions.

- A. Every person using explosives as permitted herein shall sound an audible sound device, three (3) separate ten (10) second sounds made approximately thirty (30) seconds prior to detonation of explosives and one sixty (60) second sound after the detonation of explosives or when the blast area is safe.
- B. Every person and/or public utility using explosives shall cover the entire blast area of loaded holes in the blast pattern with mats, timbers or un-compacted earth of sufficient width, length and thickness, or other sufficient safety precautions as to prevent fragments of rock, earth and debris from ascending into the air.
- C. In the event any public utility should obtain or devise an alternative method to ensure fragments of rock, earth, and debris to not ascend into the air from a blasting operation, the alternative method will be acceptable provided the Mayor is informed of the alternative method and approves same prior to its use. (Ord. No. 568, Sec. 6, as amended by Ord. No. 663, Sec. 6)

11.36.07 Failure to comply deemed unlawful. It shall be unlawful for any person or public utility to do or cause to be done any blasting of any rock or other substance within the city without first having complied with the provisions of this chapter and having received a permit as herein specified. The sole exception to this section is emergency blasting operations of a public utility as provided in Section 11.36.05(E). (Ord. No. 568, Sec. 7)

11.36.08 Time limit. All permits issued under the terms of this chapter shall, unless revoked, expire at the date provided therein and in no case shall a permit be issued for a period greater than three hundred sixty-five (365) calendar days from the date of issuance and the same shall be renewable annually by the Mayor. (Ord. No. 568, Sec. 8, as amended by Ord. No. 663, Sec. 5)

11.36.09 Revocation of permit. Any permit granted under the provisions of this chapter other than a blanket permit to a public utility may be revoked if, in the opinion of the Mayor, the person conducting blasting operations is doing so in an unsafe manner or in violation of any of the provisions contained herein. Should the Mayor determine that a person or public utility is conducting an approved blasting operation in an unsafe manner, the Mayor may direct the person or public utility to discontinue that individual blasting operation and suspend the permit at that one particular location until such time as a conference can be arranged between the Mayor and representatives of such person or public utility to resolve the complaints of the Mayor. Permits can be revoked only after sixty (60) days written notice to such person or public utility following a conference between the Mayor and representatives of the person or public utility held to resolve any complaints of the Mayor as to the blasting operations. Blasting or setting off of explosives after the suspension of such operations at a particular location or after a revocation of permit shall constitute a violation of this chapter. (Ord. No. 568, Sec. 9, as amended by Ord. No. 663, Sec. 6)

11.36.10 Penalty for violation.

Any person or public utility who shall violate any of the provisions of this chapter shall, upon conviction, be fined the sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty dollars (\$250.00) and each separate blast discharged or caused to be discharged by such person without complying with the provisions hereof shall be deemed a separate offense. (Ord. No. 568, Sec. 10)

CHAPTER 11.40

CONTRACTOR'S LICENSE

Sections:

- | | |
|----------|-------------|
| 11.40.01 | License fee |
| 11.40.02 | Exemptions |

11.40.01 License fee. Before any person, firm, corporation and/or organization constructs, alters and/or repairs any commercial or residential, building parking lot and/or driveway, they shall register with the city of Mountain Home, Arkansas, and pay to the city a license fee of Thirty Dollars (\$30.00) per year, said year running from March 1st to February 28th each year. (Ord. No. 88-011, Sec. 1)

11.40.02 Exemptions. The following are exempt from said license fee, but with the exemption of Subparagraph A are still required to register with the city prior to commencing work on any of the projects set out in Section 11.40.01.

- A. Any person, firm, corporation or organization constructing, altering or repairing their own private residence.
- B. Any person, firm, corporation and/or organization which has a valid contractor's license issued by the state of Arkansas or registered pursuant to provisions of Act 859 of the Acts of Arkansas, 1987.
- C. Any person, firm, corporation and/or organization which has a valid occupational license issued by the city of Mountain Home, Arkansas, for that particular business. (Ord. No. 88-011, Sec. 2)

CHAPTER 11.44

MECHANICAL CODE

Sections:

- 11.44.01 Adoption
- 11.44.02 Permits, application and inspection fees
- 11.44.03 Complementary clause
- 11.44.04 Violations and penalties
- 11.44.05 Saving clause

11.44.01 Adoption The Arkansas Mechanical Code 2003 Edition or the latest edition adopted by the state of Arkansas is hereby adopted by reference thereto and incorporated herein, verbatim, word for word as is set out in full, including amendments and appendices unless hereinafter specifically amended or deleted by the city of Mountain Home, Arkansas thereto, and is hereafter known as the "Mechanical Code." (Ord. No. 05-9, Sec. 1.)

11.44.02 Permits, application and inspection fees Application for an mechanical permit shall be made on forms provided by the city of Mountain Home, Arkansas, for installation, alteration or repairs other than ordinary repairs. Permits can be purchased at anytime; however, they shall be purchased at least once a month. If the contractor fails to pay for the required permits at least once a month, they will be notified that no more inspections will be done and their work shall not be covered up until all permits have been paid for and the required inspections completed. It is the responsibility of the mechanical contractor to call for all

inspections and to pay all fees. In the event the general contractor calls for the inspections and the work is not complete or does not meet code, the mechanical contractor shall be charged for a re-inspection fee. The following fee schedule shall be substituted for the "Schedule of Permit Fees: found at appendix B of the Mechanical Code:

Residential Inspections: per inspection

One (1) unit	\$40.00
For each additional units	\$10.00

Commercial Inspections: per inspection

One (1) unit	\$50.00
For each additional unit	\$10.00

Note: One (1) unit consists of one (1) A.C. unit and one (1) heating or combination heat and air unit.

Inspection includes one (1) rough-in and one (1) final. Any re-inspection due to work not being completed at the time the inspector is called to the job or turned down because it does not meet code will be charged another inspection fee.

Any partial inspection that is done shall also be charged an inspection fee per inspection.

Inspection of alterations and additions to an existing system shall be \$35.00 per inspection unless a new unit is installed. (Ord. No. 05-9, Sec. 2.)

11.44.03 Complementary clause The provisions of the various codes adopted by the city regulating construction and occupancy of building and structures including, but not limited to, the Building Code, Fire Code, Electrical Code, Plumbing Code, Mechanical Code and the like shall be complimentary one to the other. In the event that a provision of one conflicts with a provision of another, the more stringent shall prevail. (Ord. No. 05-09, Sec. 3.)

11.44.04 Violations and penalties Any person, firm, corporation or agent who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$100.00) for each violation and each day such violation shall exist shall be deemed a separate offense. (Ord. No. 05-09, Sec. 4.)

11.44.05 Saving clause Nothing in this ordinance or in the code herein adopted shall be construed to effect any suit or proceeding now pending in any court, any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance. (Ord. No. 05-09, Sec. 5.)

CHAPTER 11.48**MOVING OF BUILDINGS****Sections:**

- 11.48.01 Time limitations
- 11.48.02 Foundation
- 11.48.03 Outbuildings
- 11.48.04 Violations and penalties

11.48.01 Time limitations The relocation or moving of any residential, business or commercial building onto property within the city of Mountain Home, Arkansas, will require the property owner to complete the placement of that structure onto an adequate foundation and prepare the exterior of the structure to be of reasonable attractive appearance, all within 180 days after relocation to the property. (Ord. No. 01-17, Sec. 1.)

11.48.02 Foundation The foundation shall comply with the Building Codes for the city of Mountain Home, Arkansas, and a city Building Codes Inspector shall inspect the foundation. (Ord. No. 01-17, Sec. 2.)

11.48.03 Outbuildings This ordinance shall not apply to outbuildings and storage sheds of less than 200 square feet. (Ord. No. 01-17, Sec. 3.)

11.48.034 Violations and penalties Any person, firm, corporation or agent who violated any provision of this ordinance shall be guilty of a misdemeanor, and shall, upon conviction, pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Two Hundred And Fifty Dollars (\$250.00) with each day deemed a separate offense. (Ord. No. 01-17, Sec. 4.)

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Parks Commission
- 12.08 Youth Activity Center

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 hereby established a Parks and Recreation Commission for the city of Mountain Home, Arkansas, to operate, manage and control all recreational facilities in the city.

12.04.02 Membership. The Commission shall consist of five (5) 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.

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 of the Commission, including an accounting of receipts and disbursements and furnishing such other 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 programs.

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

YOUTH ACTIVITY CENTER

Sections:

12.08.01	Department established
12.08.02	Duties of department
12.08.03	Personnel
12.08.04	Staff positions
12.08.05	Volunteers
12.08.06	Separate department

12.08.01 Department established The new department will be entitle Youth Activity Center and will be headquartered at the Youth Center in Cooper Park. (Ord. No. 97-005, Sec. 1.)

12.08.02 Duties of department The Youth Activity Center Department will be responsible for maintaining and operation of the Youth Center, scheduling of activities at Youth Center and events in the park system; with the exception of pool operations and scheduling which will remain under the Park and Pool Department. (Ord. No. 97-005, Sec. 2.)

12.08.03 Personnel The Youth Activity Center Department personnel will include the positions as budgeted by the City Council of the city of Mountain Home, Arkansas. (Ord. No. 97-005, Sec. 3.)

12.08.04 Staff positions Additional number and type of department staff positions will be created by the City Council as necessary to the efficient management and operations of the department. (Ord. No. 97-005, Sec. 4.)

12.08.05 Volunteers the Youth Activity Center will be staffed with volunteers to the greatest extent possible and will seek volunteer participation in all operations. (Ord. No. 97-005, Sec. 5.)

12.08.06 Separate department The Youth Activity Center will exist as a separate department and will be established and administered as such in regard to the city's accounting systems. (Ord. No. 97-005, Sec. 6.)

TITLE 13

PLANNING

Chapters:

- 13.04 Planning Commission
- 13.08 Board of Zoning Adjustment

CHAPTER 13.04

PLANNING COMMISSION

Sections:

- 13.04.01 Created
- 13.04.02 Duties
- 13.04.03 Members
- 13.04.04 Terms
- 13.04.05 Compensation

13.04.01 Created There is hereby created a Commission of the city of Mountain Home, Arkansas to be known as the City Planning Commission, which said Commission shall consist of seven (7) members who shall serve with compensation. The residency requirements of the members named shall be as follows:

- A. Five (5) commission members must reside within the city limits of the city of Mountain Home, Arkansas.
- B. Two (2) of the commission members must reside outside of the city limits but within the currently adopted five mile Planning Zone of Mountain Home, Arkansas. (Ord. No. 2006-23, Sec. 1.)

13.04.02 Duties The City Planning Commission shall have all the duties and functions as pertaining to Planning Commissions as conferred upon the city planning as provided by Act 186 of the Acts of Arkansas 1957. (Ord. No. 2006-23, Sec. 2.)

13.04.03 Members The members of the City Planning Commission shall be named and appointed by the Mayor. His/her appointments will be valid and effective upon confirmation by the City Council. (Ord. No. 2006-23, Sec. 3.)

13.04.04 Terms The initial terms of office of members of the City Planning shall be for one year, however, subsequent reappointments shall be for two years. As vacancies occur in said Commission, for whatever cause, said vacancies shall be filled in the manner provided and appointees shall hold office until the expiration of their term, which they were appointed to fill. All members of the Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed. (Ord. No. 2006-23, Sec. 4.)

13.04.05 Compensation Beginning January 2006, the remuneration of the Commissioners shall be \$80.36 per month. In subsequent years, remuneration shall be budgeted by the City Council in the annual appropriation budget. (Ord. No. 2006-23, Sec. 5.)

CHAPTER 13.08

BOARD OF ZONING ADJUSTMENT

Sections:

13.08.01 Board of Zoning Adjustment

13.08.01 Board of Zoning Adjustment The Mountain Home Planning Commission, as a whole, shall sit as the Board of Zoning Adjustment. (Ord. No. 2007-43, Sec. 1.)

TITLE 14**ZONING****Chapters:**

- 14.04 Zoning Adopted
- 14.08 Amendments to Zoning Ordinance
- 14.12 Flood Damage Prevention
- 14.16 Annexing, Vacating and Re-Zoning Property

CHAPTER 14.04**ZONING ADOPTED****Sections:**

- 14.04.01 Ordinance adopted by reference

14.04.01 Ordinance adopted by reference

It is hereby adopted by the city of Mountain Home, Arkansas, for the purpose of establishing rules and regulations with regard to zoning within the city of Mountain Home a zoning code prepared by the City Council and Planning Commission, captioned "Zoning Ordinance, Mountain Home, Arkansas 1998." The same is hereby adopted and incorporated as fully as if set out at length herein, word for word and from the date on which this ordinance shall take effect the provisions thereof shall be controlling in the matters regulated thereby within the corporate limits of the city of Mountain Home, Arkansas. (Ord. No. 98-21, Sec. 1.)

That properties currently owned by Baxter County Regional Hospital, shall be permitted in Residential R-2 until December 31, 2007 and grandfather thereafter. (Ord. No. 98-21)

CHAPTER 14.08**AMENDMENTS TO ZONING ORDINANCE****Sections:**

14.08.01 Amendments

14.08.01 Amendments**New Classification M-1R (Manufactured Home Residential)**

- A. The M-1R zoning is established to permit and encourage the development of single-family manufactured home subdivisions, or the placement of manufactured homes on individual lots in a suitable environment.
- B. Area requirements
 - 1. Minimum lot area: 7,500 sq. ft.
 - 2. Minimum lot width: (at front yard building line) 75 feet
 - 3. Front yard: minimum of 30 feet from property line.
 - 4. Side yard (each): minimum of 10 feet from each property line.
 - 5. Side yard street: minimum of 25 feet from property line.
 - 6. Rear yard: minimum of 25 feet from rear property line or center of alley if one exists.
- C. All manufactured homes shall have the tongue removed.
(Ord. No. 03-30, Sec. 1.)

Additional requirements for all residential zonings

- A. All units shall have a minimum dimension on all sides of 20 feet.
- B. All units shall be constructed on a slab or have continuous masonry underpinning.
- C. new units constructed shall have siding materials compatible with other units within 200 feet. Unless specifically approved by the Planning Commission.

- D. All units shall have the front door oriented toward the front yard.
- E. All units shall have a covered front landing of at least six feet by six feet and oriented to the front yard.
- F. All units shall have shingle roofs. Unless specifically approved by the Planning Commission. (Ord. No. 2003-30, Sec. 2.)

Façade ordinance

Section 1 Article 3-2.A.4, Article 3-3.A.4, Article 3-4.A.7, Article 3-5.A.4, and Article 3-6.A.6, of the Zoning Ordinance No. 98-021 of the city of Mountain Home, Arkansas, is hereby deleted and replaced with the following:

- A. Façade requirements should be based on the zoning of a particular building all commercially zoned buildings must maintain a façade covering 100% of the entry way side (front-side) of the building. Those sides not considered an "entryway" side, but are street-side, must maintain a façade matching that of the front-side façade extending a minimum height of three (3) feet above first floor level. Any metal façade cannot extend lower than three (3) feet above the first floor level on street-side walls.
- B. Types of façade Exterior façade material can include stone, brick, brick veneer, glass, cultured stone, architectural precast (panels or detailing), stucco, wood, Dryvit, concrete siding or decorative concrete block. Vinyl siding and standard concrete blocks (pained or natural) are not to be considered façade materials.
- C. Retrofitting or remodeling projects Any remodeling of a commercial building that requires a building permit would require compliance with the current façade ordinance.
- D. Occupancy permits Occupancy permits, including temporary permits, would not be issued without completion of façade requirements.
- E. Building maintenance No observable paint peel, material deterioration, mold, or rusted metal should be allowed. All visible sides of a commercial building should remain free of weeds and vines at all times.
- F. Trash receptacles and enclosures Any areas where trash or recyclables are stored outside a building must be screened; construction shall be out of one of the materials listed above under "Types of Façade." All lift dumpsters shall be required to have a trash enclosure built to eliminate receptacle visibility from a public street.

- G. Architectural Review Committee The Architectural Review Committee shall be required to approve any commercial building permit issued under the provisions of this ordinance. The Mountain Home Planning Commission shall be designated as the Architectural Review Committee for the purpose of insuring compliance with this ordinance. The Architectural Review Committee shall review colored rendered drawings, provided by the owner or builder, of all exterior faces of the building for approval. (Ord. No. 2007-20, Sec. 1.)

Section 2 A Building Permit for the purpose of triggering this the Façade Ordinance shall be required when:

- A. The roof line is to be changed; or
- B. The square footage of the enclosed portion of the improvement is to be increased or decreased; or
- C. Making a new entrance or moving an existing entrance; or
- D. Making interior alterations, when the reasonable value of such alterations is estimated by the Building Inspector to exceed 25% of the existing county appraised value of the altered structure.

The Building Inspector may at his/her discretion refer this question to the Architectural Review Committee for a decision or, if the owner is unhappy with the Building Inspector's decision, then the owner may appeal the Building Inspector's decision to the Architectural Review Committee. (Ord. No. 2007-20, Sec. 2.)

Board of Zoning Adjustment

Chapter 8, Art. 8-1 This section of the Mountain Home, Arkansas Zoning Ordinance shall be and hereby is deleted and shall be replaced with the following:

Article 8-1 Organization of Board of Zoning Adjustment The Mountain Home Planning Commission, as a whole, shall sit as the Board of Zoning Adjustment. (Ord. No. 2007-43, Sec. 1.)

CHAPTER 14.12

FLOOD DAMAGE PREVENTION

Sections:

- | | |
|----------|--------------------------------|
| 14.12.01 | Ordinance adopted by reference |
| 14.12.02 | Penalty |

14.12.01 Ordinance adopted by reference The “Flood Damage Prevention Ordinance” of the city of Mountain Home, Arkansas, is hereby adopted in its entirety by reference thereto, as the regulations pertaining to and controlling the floodplain in the city of Mountain Home. (Ord. No. 2001-16, Sec. 1.)

14.12.02 Penalty No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty Dollars (\$250.00) and if such violation be continued, each day’s violation shall be a separate offense. (Ord. No. 2001-16, Sec. 2.)

CHAPTER 14.16

ANNEXING, VACATING AND RE-ZONING PROPERTY

Sections:

- | | |
|----------|-----------|
| 14.16.01 | Annexing |
| 14.16.02 | Vacating |
| 14.16.03 | Re-zoning |

14.16.01 Annexing

Ord. No. 2009-18	Leisure Homes Corporation for Park West Condominiums Phase Four
Ord. No. 2009-21	Part of NW 1/4 of Sec. 16, Twp 10 N, Range 13 West
Ord. No. 2009-22	Property contiguous to the Water & Sewer Improvement District No. 3

14.16.02 Vacating

Ord. No. 2009-20 Utility easements of Lots 20-36, Plaza Park Subdivision

14.16.03 Re-zoning

Ord. No. 2009-10 From R-2 to C-3 Part of SW ¼ of Sec. 4, Twp 19 N, Range 13 West

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

- 15.04 Subdivision Regulations Adopted by Reference
- 15.08 Amendments

CHAPTER 15.04

SUBDIVISION REGULATIONS ADOPTED BY REFERENCE

Sections:

- 15.04.01 Ordinance adopted by reference
- 15.04.02 Severability
- 15.04.03 Repealed

15.04.01 The "Subdivision Regulations - 1997" of the city of Mountain Home, Arkansas, is hereby adopted in its entirety by reference thereto, as the regulations pertaining to and controlling the development of land in the city of Mountain Home and its planning jurisdiction. (Ord. No. 97-026, Sec. 1.)

15.04.02 Severability The provisions of this ordinance shall be severable; the invalidity, unenforceability, or unconstitutionality of any clause, section, phrase, sentence or part hereof, shall not affect the validity, enforceability, or constitutionality of any other clause, phrase, section or part hereof. (Ord. No. 97-026, Sec. 2)

15.04.03 Repealed All ordinances or parts of ordinances inconsistent herewith are hereby repealed, specifically Ord. No. 616. (Ord. No. 97-026, Sec. 3.)

CHAPTER 15.08

AMENDMENTS

Sections:

15.08.01 Amendments

15.04.01 Amendments

Ord. No. 03-18

Chapter 8, Article 8.2, paragraph C. 1.2 amended:

Residential Type I – (City Streets & Private Streets) – Cul-de-sac turnarounds shall be provided at the end of all deadend streets. Cul-de-sac turnarounds may be symmetrical or asymmetrical. Radii shall be minimum of 38'.

Chapter 8, Article 8.2, paragraph C. 1.3 shall be deleted.

Ord. No. 04-25

Chapter 4, Article 4.4,

Submission Six (6) copies each of the sketch plan and letter of intent shall be submitted to the Board Secretary of the Planning Commission at least fifteen (15) working days prior to the scheduled meeting of the Commission at which consideration is requested.

Chapter 6, Article 6.3

Submission Four (4) copies of the preliminary plat and four (4) copies of each of the related documents shall be submitted fifteen (15) working days before the regularly scheduled meeting of the Planning Commission at which time consideration is requested.

Chapter 7, Article 7.3

Submittal The developer shall submit one (1) reproducible mylar and eleven (11) paper copies of the final plat, together with the related documents to the Board Secretary of the Planning Commission at least fifteen (15) working days prior to the regularly scheduled meeting of the Commission at which consideration is requested.

Ord. No. 06-09

(1) Section 1.5(B) is hereby deleted in full and replaced with the following:

1.5 Resubdivision of Land

B. Future Resubdivisions Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications of such lots eventually being subdivided into small building sites, the city and the Planning Commission shall require that such parcel of land allow for the future opening of streets and the extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement before plat approval is given.

(2) Section 1.7 is hereby deleted in full and replaced with the following:

1.7 Variances

A. General The rules and regulations set forth in this ordinance are the standard requirements of the city. Where the Planning Commission and City Council finds, however, that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulations so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission and City Council shall only approve variances where it finds that:

1. The granting of the variance will not be detrimental to the public safety, health, welfare or injurious to other property.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties.
3. Because of the particular physical surrounding, shape of topographical conditions of the specific property involved, strict application of these regulations would deprive the owner of reasonable use of his property.
4. The variance will not in any manner vary the provisions of the Zoning Ordinance, or the General Plan.
5. The variance is not based solely on monetary consideration but has other overriding hardships.

B. Procedures and Conditions No variance shall be granted except upon written petition by the subdivider for consideration by the Planning Commission and City Council. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving variances, the Planning Commission and City Council may at its option require special conditions to ensure development in accordance with objectives, standards and requirements of these regulations.

C. Review by Planning Commission and City Council The Planning Commission shall review the variance and related documents. The Commission shall approve, approve with stipulated revisions to be made before the development proceeds, or reject the submission due to non-compliance with the regulations. Upon arrival, the Commission will forward the variance to the City Council with a recommendation and placed on the agenda of the next scheduled City Council meeting. The final determination on the granting of the variance shall rest with the City Council.

(3) Definition added to section 2.1:

Variance Any deviation from these regulation requirements.

(4) Section 3.1 is hereby deleted in full and replaced with the following:

3.1 General The application procedure and approval process for subdivision development shall be accomplished in five stages as follows:

1. Submit a sketch plan of the proposed development, together with a letter of intent to the Planning Commission. All construction work is prohibited until approval of the Preliminary Plat, except for clearing and grading.
2. Submit construction documents to the Planning Commission and applicable departments after approval of the sketch plan and before the Preliminary Plat is reviewed by the Planning Commission.
3. Submit the Preliminary Plat to the Planning Commission, which conforms to the approved sketch plan and construction work shall be allowed after Preliminary Plat is reviewed by the Planning Commission.
4. Submit Final Plat conforming to the approved Preliminary Plat. Final Plat is the completed document, complete in every respect and ready for recordation and sale of lots. No plat shall be recorded prior to Planning Commission approval, and if applicable, acceptance by city ordinance of all dedications with ordinance number to be indicated on plat, nor shall subdivider convey title to a lot or lots before recordation of Final Plat.

5. Recordation of Final Plat. No subdivision Plat shall be recorded prior to the acceptance of public dedications and improvements by the applicable governing bodies.

(5) Section 3.13(2) is hereby deleted in full and replaced with the following:

3.13. Lot Splits

2. Lots splits for land parcels Request for parcel split approval shall be made by the owner of the land to the Mayor. There shall be a limit of one lot split per owner per parcel of land. Four (4) copies of a survey of the parcel and the location of the structure(s) thereon, together with the precise nature, location and dimensions of the split, shall accompany the application.

(6) Section 3.6 is hereby deleted in full and replaced with the following:

3.2 Preliminary Plat Review The Preliminary Plat shall be placed on the Planning Commission agenda only after the construction documents have been approved by the Mayor, after examination and recommendation by the Building Inspector and the department heads. Refer to Chapter 6 for Preliminary Plat requirements. Any deviations from these regulations are determined by the subdivider, city or Planning Commission shall be a variance and refer to section 1.7 variances.

(7) Section 5.1 is hereby deleted in full and replaced with the following:

5.1 Construction documents Upon review and approval of the sketch plan for the complete development, the subdivider shall submit four (4) sets of construction documents for the first section or phase to be developed. The construction documents must be reviewed and approved by all city department heads prior to submission of the Preliminary Plat to the Board Secretary of the Planning Commission. The city department heads will have twenty (20) city business days after submission to review construction documents and approve or return comments to the subdivider. The construction documents for water and sewer shall be approved and signed by the Water and Sewer Superintendent before being submitted to the Arkansas Department of Health. These construction documents shall be signed and sealed by a professional engineer registered in the state of Arkansas and shall include, but not limited to the following: (Amended by Ord. No. 99-012 adopted 5-20-99.)

(8) Section 5.2 is hereby deleted in full and replaced with the following:

5.2 Submission Submit four (4) sets of construction documents to the Board Secretary of Planning Commission for distribution to the city department heads. Construction documents will then be reviewed for approval twenty (20) city business days after submission. Distribution will be as follows: (Amended by Ord. No. 99-012.)

(9) Section 6.3 is hereby deleted in full and replaced with the following:

6.3 Submission schedule Four (4) copies of the Preliminary Plat and four (4) copies of each of the related documents shall be submitted twenty (20) city business days before the regularly scheduled meeting of the Planning Commission at which time consideration is requested. (Amended Ord. No. 04-25.)

(10) Section 6.4 is hereby deleted in full and replaced with the following:

6.4 Review by Planning Commission The Planning Commission shall review the Preliminary Plat and related documents for compliance with the regulations. The Commission may approve, approve with stipulated revisions to be made before the development proceeds, or reject the submission due to non-compliance with the regulations. Approval of the Preliminary Plat shall be a prerequisite for commencement of construction, staking of the subdivision, or preparation of the Final Plat. Any deviations from the regulations as determined by the subdivider, city, or Planning Commission shall be a variance and refer to section 1.7 variances.

(11) Section 7.3 is hereby deleted in full and replaced with the following:

7.3 Submittal of Final Plat The developer shall submit one (1) reproducible mylar and eleven (11) paper copies of the Final Plat, together with the related documents to the Board Secretary of the Planning Commission at least twenty (20) city business days prior to the regularly scheduled meeting of the Commission at which consideration is requested. All improvement work must be 100% complete before submittal of final plat for review by the city. (Amended Ord. No. 04-25.)

(12) Section 7.6 is hereby deleted in full and replaced with the following:

7.6 Maintenance guarantee Upon approval of the Final Plat by the city and as prerequisite for acceptance of improvements and dedications by the City Council, the subdivider shall provide a guarantee of the completed work. Such guarantee shall be as hereinafter set forth or as otherwise accepted by the City Council.

a. Maintenance bond A bond, contractor's warranty, or other bona fide guarantee, made out to the city of Mountain Home, in the amount of ten-percent (10%) of the construction cost of the completed facilities to guarantee repair of defective work or materials for a period of one (1) year from the date of acceptance, by the City Council, of the improvements and dedications.

(13) Section 7.7, 7.8 and 7.9 shall be deleted in their entirety.

Ord. No. 06-12

1.4 Jurisdiction and application

- B. The division of land into tracts of five (5) acres or greater where no street right-of-way dedication is required shall not constitute a Lot Split.

Definition added to Section 2.1:

Subdivision A division or platting of a tract or parcel of land into two or more lots, building sites or other division for the purpose, whether immediate or future, of sale or building development.

Ord. No. 06-21

3.13 Lot splits

1. General intent and definition The Planning Commission hereby delegates to and designates the Mayor or the City Engineer the authority for approving or disapproving lot splits, where a single lot, tract or parcel is being split into two lots. Such authority shall be exercised in accordance with the following regulations.
2. Lot splits for land parcels Request for parcel split approval shall be made by the owner of the land to the Mayor or the City Engineer. There shall be a limit of one split per owner per land. Four (4) copies of the parcel and location of the structure(s) thereon, together with the precise nature, location and dimensions of the split shall accompany the application. (Ord. No. 06-21, Sec. 1.)

Ord. No. 06-30

6.1 Preliminary plat requirements

13. Contours shall be at a 2-foot interval on preliminary plats with future street, storm drainage, or sewer dedications to a public body. Contours at a 5-foot interval may be used when there will be only a future water line dedication or when grade is 12% or greater.
Contours shall cover all easements to be dedicated. Contours shall be based on National Geodetic Vertical Datum, date of adjustment indicated.

8.2 Streets

B. Design parameters

1. Pavement width and length

Residential-Local streets:

All residential local streets shall be 25' back of curb to back of curb.

10.5 E. Performance tests

3. Air test

Vitrified clay pipe testing shall comply to ASTM c828. PVC Pips testing shall comply to Uni-Bell Uni-B-6.

Clean and isolate the section of sewer line to be tested. Plug or cap the ends of all branches, laterals, tees, wyes, and stubs to be included in the test to prevent air leakage. The line shall be pressurized to 4psi and allowed to stabilize. After pressure stabilization, the pressure shall be dropped to 3.5 psi greater than the average back-pressure of any groundwater above the sewer. The minimum test time shall be as specified in Uni-Bell Uni-B-6.

4. Manhole testing

Vacuum testing of manholes: All testing shall be in accordance with ASTM C-1244 summarized as follows. All lines to and from the manhole being tested shall be plugged, the plugs restrained, and the vacuum tester head placed on the manhole frame and sealed. A vacuum of 10 inches Hg shall then be drawn on the manhole and the time measured for the vacuum to drop to 9 inches Hg. This time shall not be less than the following table:

Manhole depth	Time
8	20 seconds
10	25 seconds
12	30 second
14	35 seconds
16	40 seconds
18	45 seconds
20	50 seconds
22	55 seconds
24	59 seconds

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February 14, 1997

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September 8, 1998

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