ARKADELPHIA MUNICIPAL CODE

A Code of the General Ordinances

of the city of Arkadelphia

Date of Incorporation

January 6, 1857

Prepared with assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
2nd and Willow
North Little Rock, Arkansas 72115
501-374-3484

ARKADELPHIA MUNICIPAL OFFICIALS

AT THE TIME OF THIS CODE'S PREPARATION

Mayor	**James Calhoun**
City Manager	**Jimmy Bolt**
Clerk	**Rendi Currey**
Treasurer	**Jennifer Story**
District Judge	**Randy Hill**
City Attorney	**Ed McCorkle**
Police Chief	**Al Harris**
Fire Chief	**Ricky Arnold**
Community & Special Events Director	**Derek Phillips**
Water & Sewer Manager	**Brenda Gills**
Interim Street Superintendent	**Fred Middleton**
Sanitation Superintendent	**Aaron Bopp**
Parks & Recreation Director	**Mike Volz**
Street Superintendent	**Kenny Myers**
Director of Grants and Research	**Nancy Anderson**

Directors	**Joann Nelson**	**Jason Jones**
	Julie Winfrey	**Dick Rudolph**
	Scott Byrd	**David Rider**

ORDINANCE NO. O-16-

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ARKADELPHIA, 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; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY BOARD OF THE CITY OF ARKADELPHIA, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Arkadelphia 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 Board on or before October 1, 2015, 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 first day of October, 2015. All previously enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body. The following types of ordinances are repealed: ordinances regarding municipal or city court; any ordinance not contained in this Code which punishes conduct, or otherwise sets out a criminal punishment; and Ordinance B-382, which regulated the hours of operation of certain businesses.

Section 3. 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 therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 4. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Board to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Arkadelphia Municipal Code shall be understood and intended to include such additions and amendments.

Section 5. 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 6. That three copies of such code shall be kept on file in the office of the Clerk preserved in loose-leaf form or in such other form as the City Board may consider most expedient. It shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the City Board 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 Board. These copies of such code shall be available for all persons desiring to examine the same.

Section 7. 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 Arkadelphia to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 8. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Approved and passed this_____day of_____.

_____
Mayor

ATTEST:

_____
City Clerk

P R E F A C E

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

ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE

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TITLE 1

GENERAL PROVISIONS

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CHAPTER 1.04

HOW CODE IS DESIGNATED AND CITED

Sections:

1.04.01 How code is designated and cited

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

State law reference – See A.C.A. 14-55-701-, *et seq*.

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

1.08.01 Rules of construction

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

Board of Directors Whenever the words "Board of Directors" or "Board" are used, they shall be construed to mean the Board of Directors of the city of Arkadelphia, Arkansas.

City The words "the city'' or "this city'' shall mean the city of Arkadelphia, Arkansas.

County The words "the county'' or "this county'' shall mean the county of Clark, 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 Arkadelphia, Arkansas.

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

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

Or, And "Or" may be read " and", and "and" may be read "or" if the sense requires it.

Other city officials or officers Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "Mayor", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Arkadelphia, 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 as context requires.

Sidewalk The word "sidewalk" means a strip of land in front 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.

State law reference: A.C.A. refers to the Arkansas Code Annotated which are the laws passed by the General Assembly of the state of Arkansas.

Street The word "street" shall be construed to embrace streets, avenues, boulevards, roads alleys, lines, viaducts and all other public highways in the city.

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.

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Section:

1.16.01 Effect of repeal of ordinances

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

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

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

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

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.01 Amendments to code

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

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

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

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

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code It shall be unlawful for any person to change or amend by additions or deletions, any part of 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 Board, which shall cause the law of the city of Arkadelphia, Arkansas, to be misrepresented thereby. Any person violating this section shall be punished as provided by 1.32.01 hereof.

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General penalty
1.32.02 Commitment to jail for failure to pay fine

1.32.01 General penalty Whenever in this Municipal Code, the doing of any act or the omission to do any act or duty, is declared unlawful, and further, 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 and 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.

1.32.02 Commitment to jail for failure to pay fine Whenever a fine is imposed upon any person for a violation of any provision of this Code or other ordinance of the city and is not paid, the party convicted shall by order of the court, or on process issued for the purpose, be committed to jail until such fine and the costs of prosecution are paid or the party is discharged by due course of law.

State law reference – See A.C.A. 14-55-504, 14-55-602

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

1.36.01 Filing date
1.36.02 Notice of hearing
1.36.03 Board of Directors calls election
1.36.04 Upon defeat of ordinance

1.36.01 Filing date

A. As to referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas, the time for filing shall not be less than thirty days nor more than ninety days after the passage of such measure by a municipal council;

B. Except for a municipal referendum petition concerning a municipal bond, a sponsor shall be given sixty (60) days to circulate a municipal referendum petition.

1.36.02 Notice of hearing Whenever any referendum petition is filed the Board of Directors 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 Board of Directors 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 County Court of Clark County within thirty (30) days to review its action.

1.36.03 Board of Directors call election If the Board of Directors 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 not less than ten (10) days after the order therefore has been made by the Board, and said special elections shall be had and conducted as general municipal elections held in the city of Arkadelphia.

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

State law reference – See Const., Amend No.7 and A.C.A. § 14-47-124

CHAPTER 1.40

NUMBERING SYSTEM FOR CITY ORDINANCES

Sections:

1.40.01 Numbering system
1.40.02 Ordinances and resolutions

1.40.01 Numbering system In accordance with the Supreme Court of Arkansas Administrative ruling No. 73-240 the city of Arkadelphia, Arkansas, hereby adopts a numbering system for its ordinances and resolutions beginning with the last two digits of the current year and the number assigned to the document beginning with the number one with said documents to be numbered consecutively and with the numbering system to start over each calendar year in accordance with the following examples:

Ordinances: O-91-1, O-91-2
Resolutions: R-91-1, R-91-2 (Ord. No. O-91-1, Sec. 1.)

1.40.02 Ordinances and resolutions This numbering system shall be preceded by the letter "O" or the letter "R" designating whether the document is an ordinance or a resolution. (Ord. No. O-91-1, Sec. 1.)

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

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

State law reference - See A.C.A. § 14-37-104.

2.04.02 Seal of the city of Arkadelphia The seal of the city shall be of a circular shape, with a device engraved therein of a beehive surmounted by scales, the whole surmounted with a

circle in which, above, is engraved the words, "City of Arkadelphia," below, "Arkansas, Incorporated January 6th, 1857."

2.04.03 Oath required of officers All officers appointed or elected to any office within the city shall be required to take the oath of office required by the laws of the state for officers.
State law reference- See A.C.A. § 14-42-106.

2.04.04 Bond required of officers The board of directors may require from all elected or appointed city officers a bond in such amount as approved by the board, with good and sufficient surety for the faithful discharge of their official duties, and the board shall have the power to declare vacant the office of any person failing to furnish such bond.
State law reference- See A.C.A. § 14-42-106.

2.04.05 Filing of bond All bonds of city officials shall be filed with the city clerk- treasurer.

2.04.06 Board of directors may increase amount or require new bond If at any time the board of directors of the city shall become satisfied that the security in the bond of any officer of the city is insufficient, or is likely to become so, or that the amount or penalty thereof is not sufficiently large, it shall order such city official to enter into a new bond.
State law reference- See A.C.A. § 14-42-106.

CHAPTER 2.08

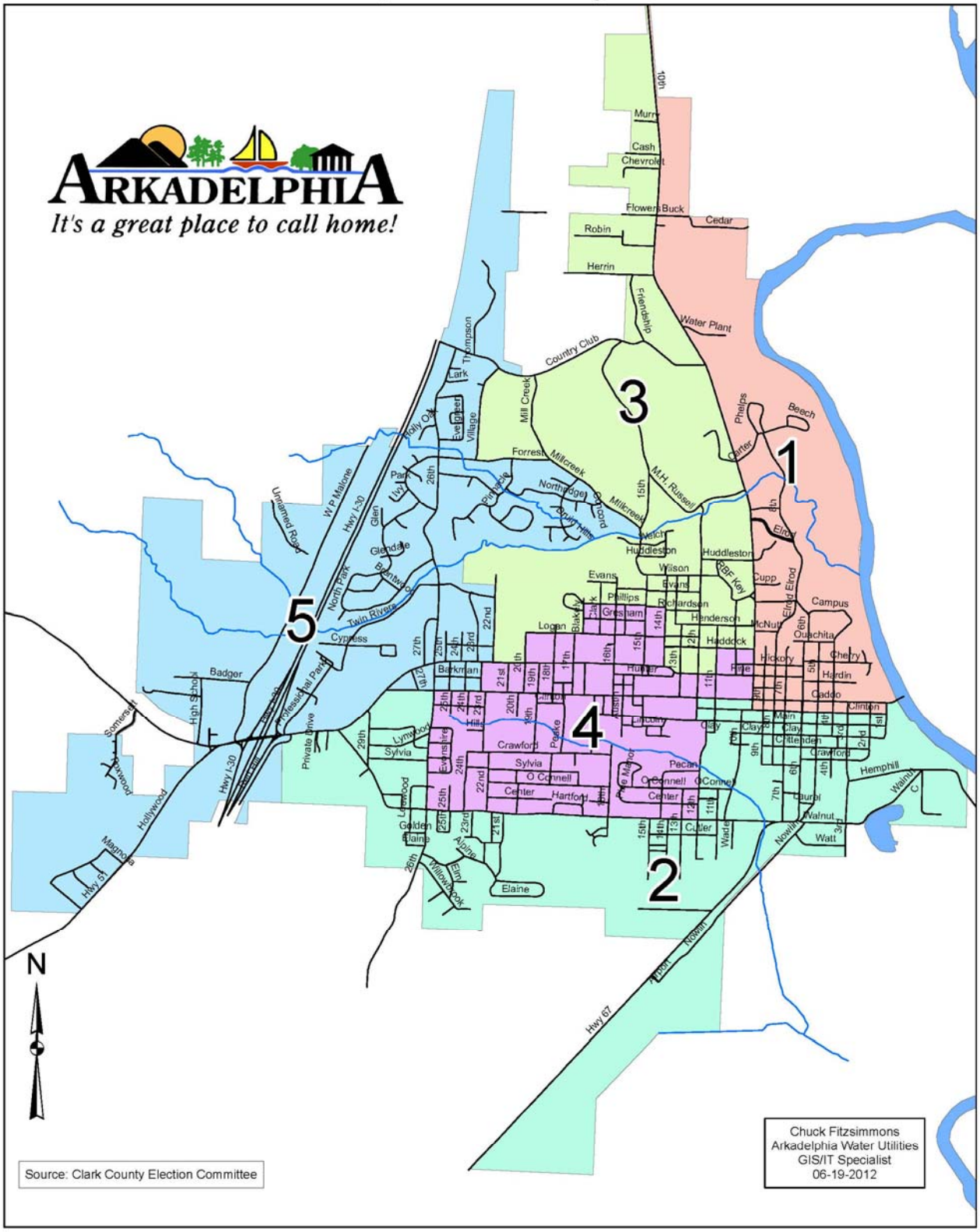
CITY AND WARD BOUNDARIES

Sections:

2.08.01 Map of city

2.08.01 Map of city The boundaries and limits of the city shall be as set forth and described on the official map of the city on file in the office of the City Clerk/Treasurer.

Arkadelphia City Wards



CHAPTER 2.12

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2.12.01 Term The Board of Directors shall employ a City Manager, his employment to be for an indefinite term.

2.12.02 Qualifications It shall not be essential that the City Manager, at the time of his employment, be a qualified elector of the city or of the state or a resident of the city or of the state, but the City Manager shall be a person found by the Board of Directors to have special qualifications in respect to the management of municipal affairs, and during his employment he shall reside in the city and devote his full time to the business of the city.

2.12.03 Bond The City Manager shall furnish a fidelity bond, the premium on which shall be paid by the city in such amount and on such form and with such security as may be approved by the Board of Directors, provided, however, that said bond shall in no event be less than Twenty-Five Thousand Dollars ($25,000.00).

2.12.04 Compensation The City Manager shall receive a salary in such amount as may be fixed by the Board of Directors.

2.12.05 Authority

A. To the extent that such authority is vested in him through ordinance enacted by the Board of Directors, the City Manager may supervise and control all administrative departments, agencies, offices and employees.

B. The City Manager shall represent the Board of Directors in the enforcement of all obligations in favor of the city or its inhabitants which are imposed by law, or under the terms of any public utility franchise, upon any public utility.

C. The City Manager may inquire into the conduct of any municipal office, department or agency which is subject to the control of the Board of Directors, in which connection he shall be given unrestricted access to the records and files of any such office, department or agency and may require written reports, statements, audits and other information from the executive head of such office, department or agency.

D. The City Manager shall nominate, subject to confirmation by the Board of Directors, persons to fill all vacancies at any time occurring in any office, employment, board, authority or commission to which the board's appointive power extends. He may remove from office all officials and employees (including, without limiting the foregoing, members of any board, authority or commission) who under existing or future laws, whether applicable to cities under the aldermanic or management form of government, may be removed by the city's legislative body, provided such removal by the City Manager is approved by the Board of Directors, but where, under the statute applicable to any specific employment or office, the incumbent may be removed only upon the vote of a specified majority of the city's legislative body, the removal of such person by the City Manager may be confirmed only upon the vote of such specified majority of the Board members.

E. All contracts to which the city shall be a party, and made in conformity with any powers delegated to it, shall be signed by the City Manager on the part of the city. (Digest of Ords. 1-44.)

2.12.06 Transfer of materials The City Manager may transfer to any office, department or agency, or he may transfer from any office, department or agency to another office, department or agency, any materials and equipment.

2.12.07 Annual budget The City Manager shall prepare the municipal budget annually and submit it to the Board of Directors for its approval or disapproval and be responsible for its administration after adoption.

2.12.08 Annual report The City Manager shall prepare and submit to the Board of Directors within sixty (60) days after the end of each fiscal year a complete report on the finances and administrative activities of the city during such fiscal year.

2.12.09 Advise and recommend The City Manager shall keep the Board of Directors advised of the financial condition and future needs of the city and make such recommendations as to him may seem desirable.

2.12.10 Additional duties

A. The City Manager shall sign all municipal warrants when authorized by the Board of Directors to do so.

B. The City Manager shall perform such additional duties, and exercise such additional powers, as may by ordinance be lawfully delegated to him by the Board of Directors.

2.12.11 Absence and vacancy If the City Manager is absent from the city or is unable to perform his duties, or if the Board of Directors suspends the City Manager, or if there is a vacancy in the office of City Manager, the Board of Directors shall by resolution appoint an acting City Manager to serve until the City Manager returns, until his disability or suspension ceases, or until another City Manager is appointed and qualifies, as the case may be.

2.12.12 Termination The Board of Directors on the vote of a majority of its elected membership, may terminate the employment of the City Manager at any time, either for or without cause.

CHAPTER 2.16

BOARD OF DIRECTORS

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2.16.09 Board appointees shall be qualified electors
2.16.010 Appointees shall attend 75% of meetings
2.16.011 Attendance at regular meetings

2.16.01 Composition; election; term The board of directors will consist of:

A. Five (5) members elected by Wards within the City, said Wards will be drawn by the Clark County Election Commission; and

B. Two (2) members elected at-large, with one of the at-large positions being designated as the position of the "Mayor" on the ballot.

2.16.02 Powers and duties The board of directors shall constitute the legislative and executive body of the city and shall have such powers and per- form such duties as may be provided by law.

2.16.03 Board meetings- regular Board meetings shall be held on the first and third Tuesdays of each month. (Ord. No. 0-2011-11, Sec. 1.)

2.16.04 Board meetings- special Special meetings of the Board of Directors may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by a majority of the Board by giving notice of such special meeting, by giving notice in writing which notice shall be served personally, or through the mails, to all members of the Board, which notice shall state the time of the meeting and purpose thereof.

State law reference – See A.C.A. § 14-47-123

2.16.05 Election of assistant mayor The board of directors shall elect from its membership an assistant mayor who shall act as mayor in the absence or disability of the Mayor.

State law reference – See A.C.A. § 14-47-117

2.16.06 Quorum established A majority of the elected membership of the board of directors shall constitute a quorum for the transaction of business; and except where otherwise provided by law, the concurring vote of a majority of those attending a meeting, provided a quorum be present, shall represent the action of the board.

State law reference – See A.C.A. § 14-47-123

2.16.07 Compensation Members of the board of directors shall not receive any compensation for their services.

State law reference – See A.C.A. § 14-47-114

2.16.08 Freedom of information procedure All meeting of the Board of Directors 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 Clark County which have requested to be notified at least two (2) hours before the special meeting takes place.

2.16.09 Board appointees shall be qualified electors All appointees on any board, commission, committee or authority shall be qualified electors in the city of Arkadelphia and shall reside in and maintain a residence within the city of Arkadelphia at all times during the term of their appointment. In the event said appointee does not remain a qualified elector and reside in and maintain a residence within the city of Arkadelphia, the Board of Directors may declare a vacancy to exist and appoint another qualified elector to serve in said position.
(Ord. No. 0-97-9, Sec. 1.)

2.16.010 Appointees shall attend 75% of meetings All appointees by the Board of Directors shall attend a minimum of seventy-five percent (75%) of the regular meetings of said board, commission, committee, or authority as determined on an annual basis or the Board of Directors of the city of Arkadelphia may declare a vacancy to exist and appoint a replacement. (Ord. No. 0-97-9, Sec. 2.)

2.16.011 Attendance at regular meetings All appointees by the Board of Directors shall attend the regular meetings of said board, commission, committee or authority and in the event an appointee is absent for three consecutive regular meetings without just cause, the Board of

Directors of the city of Arkadelphia may declare a vacancy to exist and appoint a replacement. (Ord. No. 0-97-9, Sec. 3.)

CHAPTER 2.20

CLERK/TREASURER

Sections:

2.20.01 Office separated

2.20.01 Office separated The duties of the City Clerk/Treasurer shall be separated into the office of the City Clerk, and the office of the City Treasurer, as the offices originally existed.

A. The office of the City Clerk shall be designated as the custodian of records of the city, shall keep a regular and correct journal of the proceedings of the City Board, shall be the administrative secretary to the City Manager and his/her staff, and shall perform other duties as specified by state law and the City Manager.

B. The office of the City Treasurer shall be designated as the chief accountant of the city, and shall maintain all financial records and proceedings of the city, shall develop and report on the financial status of all city funds, shall record all financial transactions, record revenues and expenditures of all city departments, invest funds as needed, reconcile bank statements, and perform any and all other duties and assignments as specified by law and the City Manager.

C. The persons holding their offices shall be appointed to these respective positions by the City Manager, and said appointments are subject to the confirmation by the City Board.

D. All ordinances and parts of ordinances in conflict herewith are hereby repealed, and declared null and void. (Ord. No. 0-96-8, Secs. 1-4.)

CHAPTER 2.24

POLICE DEPARTMENT

Sections:

2.24.01 Duties of Police Chief
2.24.02 Administrative head

2.24.03 Authority
2.24.04 Liability for money

2.24.01 Duties of Police Chief The duties of the Chief of Police are hereby defined to be:

A. To present to the proper officer all offenses against the laws of this state which shall come to his knowledge;

B. To present to the grand jurors at each term of the Circuit Court of Clark County, Arkansas, all offenses against the laws of this state committed in the city or elsewhere which have come to his knowledge and which have not been disposed of by the District Court;

C. To arrest and carry before the District Court any person who shall violate any ordinance of the city;

D. To give immediate notice to the City Manager and Board of Directors of the existence within the city of anything which may cause ill health, or might introduce pestilence or any contagious disease;

E. To attend meetings of the Board of Directors of the city when required to do so by the Board;

F. To do and perform such acts and duties enjoined upon him by the laws of the United States and the state;

G. To execute all ordinances, resolutions and bylaws of the city;

H. To carry out such lawful orders and perform such additional duties as he may be required to do by the City Manager and Board of Directors. (1949 Digest of Ords. 1-24.)

2.24.02 Administrative head The Chief of Police shall be the administrative head of the city police force and shall have charge of the men composing such police force.

2.24.03 Authority The Chief of Police shall have the authority to draft rules and regulations, subject to the approval of the City Manager, for the efficient operation of the city police force.

2.24.04 Liability for money The Chief of Police shall be liable in the same manner for failure to pay over moneys collected, and be subject to the same proceedings and punishment therefore, as is now provided for constables by laws of the state. (1949 Digest of Ords. 1-25.)

CHAPTER 2.28

SALARIES OF CITY EMPLOYEES

Sections:

2.28.01 Includes pay for holidays
2.28.02 Personnel regulations

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

2.28.02 Personnel regulations The rules and regulations contained in the city of Arkadelphia Personnel Policy Handbook as amended are adopted by reference as the official personnel policy of the city of Arkadelphia, Arkansas. (Resolution No. R-05-01)

CHAPTER 2.32

CITY ENGINEER

Sections:

2.32.01 Created
2.32.02 Qualifications
2.32.03 Duties
2.32.04 Inspections
2.32.05 Fees
2.32.06 Building materials sales

2.32.01 Created There is hereby created the office of City Engineer in the city of Arkadelphia, Arkansas. (Ord. No. 158, Sec. 1)

2.32.02 Qualifications The said engineer shall be a graduate of an accredited school of engineering or a professional engineer holding a valid license issued by the state of Arkansas. He shall not during his tenure of office directly or indirectly be interested in any work, business or activity which might tend to conflict with his duties or to impair his impartiality as such engineer. (Ord. No. 158, Sec. 3)

2.32.03 Duties The duties and powers of the City Engineer shall be as follows:

A. To administer the provisions of the zoning ordinances of the city and to issue building permits in accordance with the provisions of such ordinances or as set out herein.

B. To administer the provisions of the ordinances regulating subdivisions to the extent that such ordinances provide for inspections, reports or any other performance by said engineer in connection with the enforcement of such ordinances.

C. Such other duties and powers within the scope of his office as may be determined by the City Manager. (Ord. No. 158, Sec. 4)

2.32.04 Inspections In order to carry out the provisions of the zoning ordinances and the ordinances regulating subdivisions, it shall be the duty of the City Engineer to personally conduct a series of inspections in all instances in which an application has been made for a building permit. The first such inspection shall be made prior to the issuance of the building permit. The second such inspection shall be made after all footings have been laid and prior to commencement of further construction. The third such inspection shall be made after the construction is completed. The engineer shall make additional inspections during the course of construction if so requested by the holder of the permit and shall also make such revisits as may be necessary because of the permit holder's failure to meet the requirements of law in any of the above listed series of inspections. All inspections provided herein shall be made at the request of the permit holder. The first such inspection shall be made and the permit issued or denied for cause shown within twenty-

four (24) working hours after application is duly made and the initial fee paid. The second such inspection and all additional inspections and revisiting inspections provided herein shall be made and permit for continuance of inspection issued or denied for cause shown within eight (8) working hours after request therefore. The third and final inspection shall be made and final clearance issued or denied for cause shown within twenty-four (24) working hours after request therefor. (Ord. No. 158, Sec. 5)

2.32.05 Fees Such fees as are fixed or authorized by the Board shall be paid by the applicant or permit holder for all permits and inspections provided herein. The City Engineer shall be responsible for the collection of all such fees and they shall be paid over by him into the General Fund of the city. The Engineer shall keep a record of all such receipts and transactions herein and each building permit issued by him and the copy thereof shall be identified by a serial number written or printed thereon. (Ord. No. 158, Sec. 6)

2.32.06 Building material sales Any person or firm engaged in the sale of building materials to be used within the city of Arkadelphia is hereby required to keep a record of all such sales; which record shall show the date of such sale, the name of the person or firm ordering such materials, the address where such materials are to be used and the serial number appearing upon the permit issued by the City Engineer for the job upon which such materials are to be used.
Such records shall be made available to the City Engineer for his inspection at any reasonable time. The seller shall within twelve (12) working hours after each such sale notify the said engineer of the same by furnishing to him in writing a record of the same showing date, name of purchaser and job location; provided, such notice shall not be required if a valid building permit issued by said engineer is exhibited by the purchaser and serial number thereon entered in sales record at the time of said sale. (Ord. No. 158, Sec. 7)

CHAPTER 2.36

AIRPORT COMMITTEE

Sections:

2.36.01	Created
2.36.02	Terms
2.36.03	Terms
2.36.04	Compensation
2.36.05	Duties
2.36.06	Officers
2.36.07	Meetings
2.36.08	Statutes

2.36.01 Created There is hereby created a Committee to be known as the Arkadelphia Airport Advisory Committee to be composed of seven (7) members who shall be residents and qualified electors of the city of Arkadelphia. (Ord. No. 0-2001-10, Sec. 1)

2.36.02 Appointments Six of the committee members shall be nominated by the City Manager and confirmed by a vote of the duly elected and qualified members of the City Board of Directors. One of said committee members shall be nominated by the President of Henderson State University and confirmed by a vote of the duly elected and qualified members of the City Board of Directors. (Ord. No. 0-2001-10, Sec. 2.)

2.36.03 Terms The committee member nominated by the President of Henderson State University shall serve an indeterminate term subject to the will of the Board of Directors and the President of HSU. The remaining committee members shall serve staggered five-year terms. A committee member may succeed himself/herself. Present Committee members shall continue to serve their terms on the Advisory Committee. The additional advisor shall serve a five-year term. (Ord. No. 0-2001-10, Sec. 3.)

2.36.04 Compensation Committee members shall receive no compensation for their services but shall be entitled to reimbursement for expenses reasonably incurred by them in the performance of their duties as members of said committee. (Ord. No. 0-2001-10, Sec. 4.)

2.36.05 Duties The Airport Committee shall be advisory in nature and shall make recommendations to the City Manager and the City Board of Directors concerning operation of the airport. (Ord. No. 0-20 01-10, Sec. 5.)

2.36.06 Officers The Committee shall elect from its members a Chairman and Vice-chairman and shall determine their tenure as such officials. It may also appoint a secretary who may be but is not required to be a member of the Committee. (Ord. No. 0-2001-10, Sec. 6.)

2.36.07 Meetings The said Committee shall hold regular meetings. In addition, the Chairman of the Committee may call special meetings. The Chairman shall also set the agenda for the Advisory Committee. (Ord. No. 0-2001-10, Sec. 7.)

2.36.08 Statutes It is the intent of this ordinance to repeal Ord. No. 0-98-11 and to operate the airport under the provisions of Act 135 of 1929 and Act 175 of 1959, known respectively as A.C.A. 14-360-101, et al. and A.C.A. 14-360-301, et al., all as may be amended from time to time. (Ord. No. 0-2001-10, Sec. 8.)

CHAPTER 2.40

CEMETERY

Sections:

2.40.01 Management
2.40.02 Committee
2.40.03 Maintenance fee

2.40.01 Management The city of Arkadelphia, Arkansas, shall control, manage, maintain and operate as a municipal cemetery the property known as "Rose Hill Cemetery." (Ord. No. B-488, Sec. 1)

2.40.02 Committee The Cemetery Committee shall be an advisory committee of three (3) persons. Two (2) members of the Cemetery Committee shall be appointed by the Mayor and one (1) member of the Cemetery Committee shall be appointed by the City Board of Directors. All Committee members shall serve until their resignation or replacement. The Committee shall make recommendations to the City Board of Directors concerning the following matters:

A. Setting of fees against owners of grave spaces;

B. Improving the cemetery;

C. Making policies pertaining to grave space payments and memorials. (Ord. No. B-488, Sec. 2.)

2.40.03 Maintenance fee For the year 1989 and until the same shall be changed by the Board of Directors, fees are hereby fixed, levied and assessed against the owners of grave spaces in Rose Hill Cemetery, Arkadelphia, Arkansas, at Ten Dollars ($10.00) per grave space per year. This is a maintenance fee for mowing and grounds upkeep and does not include repair or individual walls. Fees for each calendar year shall be due and payable by the first of April of each year. (Ord. No. B-488, Sec. 3.)

For the year 1989 and until the same be changed by the Board of Directors, the owner of a grave space in the Rose Hill Cemetery may pay a one-time One Hundred Dollars ($100.00) per grave space maintenance fee instead of the annual billing for maintenance as set forth in Ordinance No. B-488. This one-time maintenance fee is to be paid in lieu of the current Ten Dollar ($10.00) per year per grave space fee as set forth in Ordinance No. B-488. (Ord. No. 490, Sec. 1.)

CHAPTER 2.44

DRUG FREE WORKPLACE

Sections:

2.44.01	Purpose of policy
2.44.02	Policy statement
2.44.03	Safety and security-sensitive positions defined
2.44.04	Drug-Free Awareness Program/education and training
2.44.05	Prohibited substances/legal drugs/unauthorized items/searches
2.44.06	Use of alcohol and drugs/prohibited conduct
2.44.07	When drug and alcohol testing may be required of all employees
2.44.08	When drug and alcohol testing may be required of employees holding safety and security-sensitive positions
2.44.09	Disciplinary action
2.44.10	Employment status pending receipt of test results
2.44.11	Notice to employees

2.44.01 Purpose of policy The city 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 operation. 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. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employees' operation of a commercial motor vehicle. (Ord. No. 0-2012-15, Sec. 1.)

2.44.02 Policy statement

A. All employees must be free from the effect of illegal drugs, prescription drug abuse 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 shall be grounds for termination. In addition, employees shall be terminated 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 shall be terminated. 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. Failure to comply with the above testing requirements is in violation of state statues and is subject to penalties.

C. The city also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. In the event an employee admits to drug or alcohol misuse before testing the employee is suspended immediately without pay for a period not to exceed forty-five (45) days and will be given a list of approved drug and/or alcohol treatment, counseling or rehabilitation programs that will be paid for solely by the employee, and it will be the discretion of the city to consider reinstatement of employee after such employee has provided proper documentation of completion of the approved drug and/or alcohol treatment, counseling or rehabilitation program. (Ord. No. 0-2012-15, Sec. 2.)

2.44.03 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. Fire department employees who directly participate in fire-fighting activities.

3. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers, police cruisers and/or any city-owned vehicles.

4. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.

5. All water department employees excluding clerical.

6. All employees working with children or senior citizens.

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. (Ord. No. 0-2012-15, Sec. 3.)

2.44.04 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; and

D. Penalties that may be imposed upon employees for drug and alcohol abuse violations.

As 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 effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms 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 sixty (60) minutes of training on alcohol misuse and sixty (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. (Ord. No. 0-2012-15, Sec. 4.)

2.44.05 Prohibited substances/legal drugs/unauthorized items/searches

A. Prohibited substances Alcoholic beverages (opened containers) and drugs 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. Section 812, and the regulations promulgated thereunder, and defined in the Uniform Controlled Substances Act, A.C.A. 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting only prescription drugs approved by and used in accordance with the directions of the employee's physician.

B. 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.

C. 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. (Ord. No. 0-2012-15, Sec. 5.)

2.44.06 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 who has a blood alcohol concentration of 0.04 or greater is deemed impaired by alcohol.

B. Employees shall not use alcohol while on duty.

C. Employees required to undergo post-accident testing shall not use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test. Alcohol testing should be completed within two (2) hours. Failure to do so must be documented.

D. Employees shall submit to all authorized drug or alcohol tests.

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 or his/her normal job duties.

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-sensitive functions. (Ord. No. 0-2012-15, Sec. 6.)

2.44.07 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 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 must make the required observations.

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. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.

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. As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

In order to return to duty, an employee must have a verified negative drug test and/or and alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed twenty-four (24) months from the date of the employee's return to duty, in accordance with an SAP's recommendations.

F. When any prohibited drug or alcoholic beverage (open container) is found in an employee's possession.

G. 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. (Ord. No. 0-2012-15, Sec. 7.)

2.44.08 When drug and alcohol testing may be required of 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 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., Section 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 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League. (Ord. No. 0-2012-15, Sec. 8.)

2.44.09 Disciplinary action Employees may be terminated for any of the following infractions:

A. 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.

B. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch.

C. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage (opened container), while on duty, on city property, in city vehicles, during breaks or at lunch.

D. Any criminal drug statute conviction and/or failure to notify the city of such conviction within five (5) days.

E. Refusal to cooperate in a search.

F. Having an alcohol concentration of .04 or greater in any authorized test.

G. Testing positive for drugs and/or their metabolites in any authorized drug test. (Ord. No. 0-2012-15, Sec. 9.)

2.44.10 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 give 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. (Ord. No. 0-2012-15, Sec. 10.)

2.44.11 Notice to employees Each employee and/or applicant will be given a form to sign acknowledging the current policy mentioned above. Failure to acknowledge will be grounds for termination/no hire. (Ord. No. 0-2012-15, Sec. 11.)

CHAPTER 2.48

RACIAL AND CULTURAL DIVERSITY COMMITTEE

Sections:

2.48.01 Creation
2.48.02 Purpose
2.48.03 Membership
2.48.04 Term of members
2.48.05 Vacancies
2.48.06 Selection of officers
2.48.07 Duties and powers

2.48.01 Creation The city hereby authorizes a committee to be known as the Arkadelphia Racial and Cultural Diversity Committee. (Ord. No. 0-2011-3, Sec. 1.)

2.48.02 Purpose The Arkadelphia Racial and Cultural Diversity Committee has the mission of promoting equal opportunity and the full exercise of civil rights for all citizens of the city. It is committed to dismantling racism and reducing prejudice within the city through modeling, education and policy development. (Ord. No. 0-2011-3, Sec. 2.)

2.48.03 Membership The Committee shall consist of eleven (11) members selected and

shall reflect to the extent possible the diversity of the community. Each ward of the city shall be represented on the Committee by at least one (1) person who resides within the boundaries of the ward. Members of the Committee shall be nominated by the City Manager and confirmed by majority vote of the Board of Directors. (Ord. No. 0-2011-3, Sec. 3.)

2.48.04 Term of members

A. All original members shall draw lots to determine if their tenure continues for two (2) years or four (4) years. The initial composition of the Committee shall be five (5) persons with two-year terms; six (6) persons with four-year terms.

B. After these initial terms are completed, all appointments to the Committee shall be for a term of four (4) years.

C. Notwithstanding subsection (B), any person selected to fill an unexpired term on the Committee shall serve until the completion of that unexpired term, provided the person may be reappointed to a full term consistent with city policy.

D. Term limits – No member shall serve more than ten (10) years. (Ord. No. 0-2011-3, Sec. 4.)

2.48.05 Vacancies If any member of the committee resigns or terminates service before his or her term expires, the City Manager shall nominate, and confirmed by majority vote of the Board of Directors, a successor to fill the remainder of the term. (Ord. No. 0-2011-3, Sec. 5.)

2.48.06 Selection of officers The officers of the Committee shall consist of a chair and a vice-chair and such other officers as shall be determined by the Committee. These officers shall be selected by the Committee in each odd year during the first meeting in January for a two-year term. (Ord. No. 0-2011-3, Sec. 6.)

2.48.07 Duties and powers The Committee shall have the following duties and powers:

A. To carry out goals as directed by the city Board of Directors;

B. To advise and assist the city in dismantling racism through education, and mediation;

C. To promote equal opportunity and full exercise of civil rights of all citizens of the city;

D. To engage in such other activities as may be referred to the Committee by the Board of Directors;

E. To prepare an annual report of the activities of the Committee. (Ord. No. 0-2011-3, Sec. 7.)

CHAPTER 2.52

PORT AUTHORITY

Sections:

2.52.01 Creation
2.52.02 Appointment
2.52.03 Conflict of interests
2.52.04 Compensation
2.52.05 Removal
2.52.06 Election of officers
2.52.07 Bond required of treasurer
2.52.08 Meetings; quorum established
2.52.09 Statutes to govern
2.52.10 Purposes of port authority
2.52.011 Promulgation and enforcement of rules and regulations
2.52.012 General powers of port authority
2.52.013 Power of eminent domain
2.52.014 Authority to fix rates; grant permits
2.52.015 Funds-Use; deposit
2.52.016 Same-Payment
2.52.017 Records to be kept; monthly report
2.52.018 Annual report; filing and publication; contents
2.52.019 Report of necessary funds to be included in municipal budget
2.52.020 Civil service rules not applicable

2.52.01 Creation There is hereby established and created a commission to be known as the "Arkadelphia Port Authority," consisting of and governed by a board of five (5) members who are qualified electors residing in the municipality. (Ord. No. 170, § 1, 2-9-61)

2.52.02 Appointment The members of the port authority shall be appointed by the city manager subject to the approval of the board of directors. The members of the authority shall hold office for five (5) years, provided that the board members first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively so that the term of one (1) member shall expire each year after the creation of said authority and thereafter, upon the expiration of their respective terms, their successors shall be appointed for a term of five (5) years. (Ord. No. 170, § 2, 2-9-61)

2.52.03 Conflict of interests No member of the port authority shall engage financially in any navigational or river port enterprise while a member of said authority. (Ord. No. 170, § 2, 2-9-61)

2.52.04 Compensation The members of the port authority shall receive no compensation for their services. (Ord. No. 170. § 2, 2-9-61)

2.52.05 Removal Any member of the port authority appointed under the provisions of this article may be removed by the city manager, provided such removal is approved by the board of directors. (Ord. No. 170, § 3, 2-9-61)

2.52.06 Election of officers The city manager shall serve as chairman of the port authority and the authority shall elect one of their number as vice-chairman, and shall elect a secretary and treasurer, who need not necessarily be members of the board. (Ord. No. 170, § 2, 2-9-61)

2.52.07 Bond required of treasurer The port authority shall require a surety bond of the person elected treasurer in such amount as the authority may fix and the premium therefor shall be paid by said authority. (Ord. No. 170, § 2, 2-9-61)

2.52.08 Meetings; quorum established The port authority shall meet upon the call of its chairman and a majority of all its members shall constitute a quorum for the transaction of business. (Ord. No. 170, § 8, 2-9-61)

2.52.09 Statutes to govern The port authority shall be governed by all existing statutes pertaining to the duties and powers of such authority. (Ord. No. 170, § 6, 2-9-61)

2.52.010 Purposes of port authority The port authority shall be an instrumentality of the city for the accomplishment of the following general purposes:

A To develop, improve or maintain harbors, ports, river- rail or barge terminals in or near any city or incorporated town in the state as they may deem feasible for the more expeditious and efficient handling of waterborne commerce from and to any other part of the state or any other state or states or foreign countries.

B To acquire, construct, equip, maintain, develop and improve the facilities at said ports, harbors, river-rail or barge terminals and to improve such portions of the waterways thereat as are not within the juris- diction of the federal government.

C To foster and stimulate the shipment of freight and commerce through said ports, harbors, river-rail and barge terminals, whether originating within or with- out the state, including the investigation and handling of matters pertaining to all transportation rates and rate structures affecting the same.

D To cooperate with the United States of America and any other agency, department, corporation or instrumentality in the development, improvement and use of said harbors, ports, river-rail or barge terminals in connection with furtherance of the operation and needs of the United States.

E To accept funds from any source and to use the same in such manner, within the purposes of said authority, as shall be stipulated by the source from which received, and to act as agent or instrumentality for the city in any matter coming within the general purposes of said authority.

F To act as agent for the United States of America or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the authority.

G In general to do or perform any act or function which may tend to or be useful toward the development and improvement of said harbors, ports, river-rail or barge terminals of the city and to increase the movement of waterborne commerce, foreign and domestic, through said harbors, ports, river-rail and barge terminals. (Ord. No. 170, § 4, 2-9-61)

2.52.011 Promulgation and enforcement of rules and regulations The port authority shall have the power to promulgate and enforce the rules and regulations governing the matters and things over which said authority has jurisdiction and control and there is hereby expressly conferred upon said authority, police powers to enforce the rules and regulations and orders of said authority in order to carry out and effectuate the authority and duties of the authority and such police power may be exercised by the authority through its duly authorized agents. (Ord. No. 170, § 11, 2-9-61)

2.52.012 General powers of port authority In order to enable the city to carry out the purposes of this chapter the port authority shall:

A Have the powers of a corporate body, including the power to sue and be sued, to make contracts, and adopt and use a common seal.

B Be empowered to rent, lease, buy, own, acquire and operate any wharves, docks, piers, quays, elevators, compresses, refrigeration storage plants, warehouses and other structures and any and all facilities needful for the convenient use. of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of belt line roads and causeways necessary or useful in connection therewith, and ship- yards, shipping facilities, and transportation facilities incident thereto and useful and convenient for the use thereof, including terminal railroads.

C Appoint and employ and dismiss at pleasure, such employees as may be selected by the authority board, and fix and pay the compensation thereof.

D Establish an office for the transaction of its business at such place or places as, in the opinion of the authority, shall be advisable or necessary in carrying out the purposes of this chapter.

E Be authorized to create and operate such agencies and departments as the port authority board may deem necessary or useful for the furtherance of any of the purposes of this chapter.

F Be authorized and empowered to pay all necessary costs and expenses involved in and incident to the formation and organization of said authority, and incident to the administration and operation thereof and to pay all other costs and expenses

reasonably necessary or expedient in carrying out and accomplishing the purposes of this chapter.

G Be authorized and empowered to act as agent for the United States of America, or agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the authority.

H Have power to adopt. alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, and may provide for the appointment of such committees and the function thereof as the authority may deem necessary or expedient in facilitation of its business.

E Be authorized and empowered to do any and all other acts and things in this chapter authorized or required to be done, whether or not included in the general powers in this section mentioned.

J Be authorized and empowered to do any and all other things necessary to accomplish the purposes of this chapter, provided that said authority shall not engage in shipbuilding.

K The port authority shall have the power to regulate the movement and speed of vessels, to establish anchorage areas, harbor lines and grading of slopes or banks and prohibit filling or dumping in violation of such established lines and grades within or without the corporate limits of the city; to prohibit the pollution of harbor water by the discharge of waste or oils therein; and provide for necessary flood controls and development of harbor areas for public parks and points of scenic beauty. (Ord. No. 170, §§ 5, 12, 2-9-61)

2.52.013 Power of eminent domain The port authority shall in addition to the powers enumerated in section .2.52.010-2.52.012, have the power of eminent domain and such other and further powers as are now by law given to a port authority. (Ord. No. 170, § 6, 2-9-61)

2.52.014 Authority to fix rates; grant permits The port authority shall be empowered to fix rates, charges and wharfage, and grant permits for the use of the harbor and port facilities. (Ord. No. 170, § 13, 2-9-61)

2.52.015 Funds-Use; deposit All revenues derived from the operation of the port authority, after paying the operation expenses and maintenance thereof, shall be set aside and used for additional improvements, reserves for depreciation and/ or for the retirement of bonds and interest thereon issued by the board of directors of the city. All authority funds shall be deposited in a bank or banks to be designated by the authority. (Or d. No. 170, § 7, 2-9-61)

2.52.016 Same-Payment Funds of the port authority shall be paid out only upon warrants signed by the treasurer of the authority and counter- signed by the chairman or acting chairman. No warrants shall be drawn or issued disbursing funds of the authority except for a purpose authorized

by this chapter and only when the account or expenditure for which such warrant is to be given in payment has been audited and approved by the authority. (Ord. No. 170, § 7, 2-9-61)

2.52.017 Records to be kept; monthly report The port authority shall keep a record of all revenues and expenditures of the authority, its related properties and facilities, and shall submit monthly reports to the board of directors. (Ord. No. 170, § 9, 2-9-61)

2.52.018 Annual report; filing and publication; contents It shall be the duty of the port authority to prepare and file an annual report of the financial affairs and condition of said authority annually between January first and January thirty-first; the said report shall be filed in the office of the city clerk-treasurer and shall be published in some newspaper published in the city and shall show a complete financial statement of all moneys received and disbursed by the authority during the preceding year. Such statement shall show the several sources from which funds were received and the balance on hand at the time of publishing the statement, and shall show the complete financial condition of the authority. (Ord. No. 170, § 9, 2-9-61)

2.52.019 Report of necessary funds to be included in municipal budget The port authority shall submit annually to the board of directors, prior to the preparation of the municipal budget, the amount of funds necessary above the estimated revenue and funds remaining on hand for the maintenance, operation and management of the authority, its related properties and facilities. (Ord. No. 170, § 10, 2-9-61)

2.52.020 Civil service rules not applicable The civil service laws shall not apply to the employees of the port authority, its related properties and facilities. (Ord. No. 170, § 14, 2-9-61)

State law reference – A.C.A. § 14-186-203

CHAPTER 2.56

CIVIL DEFENSE

Sections:

2.56.01	Statement of policy and purpose
2.56.02	Civil defense defined
2.56.03	Powers of city manager
2.56.04	Appointment of director of civil defense
2.56.05	Director's duties generally
2.56.06	Advisory council, creation; composition; chairman; compensation
2.56.07	Duties of city manager
2.56.08	Civil defense personnel-Generally
2.56.09	Same-Oath
2.56.010	Political activity prohibited
2.56.011	Mutual aid arrangements
2.56.012	Appropriations; authority to accept services, gifts, grants and loans
2.56.013	Utilization of existing services and facilities
2.56.014	Enforcement of orders, rules, regulations, etc.

2.56.01 Statement of policy and purpose

A Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hos- tile action, or from fire, flood, earthquake, or other natural causes, and in order to insure that preparations of the city will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

1 To create a city civil defense agency;

2 To provide for the rendering of mutual aid to other cities within the state and those adjoining states and to cooperate with the state government with respect to carrying out civil defense functions.

B It is further declared to be the purpose of this chapter and the policy of the city that all civil defense functions, of the city be coordinated to the maximum extent with the comparable functions of the state government including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the city's manpower, resources, and facilities for dealing with any disaster that may occur.

C It is further declared to be the purpose of this chapter and the policy of the city to organize its civil defense organization in conformity with the Arkansas Civil Defense Plan as directed by Act No. 321 of 1953, which is cited as "The Arkansas Civil Defense Act of 1953." (Ord. No. 157, § 1, 6-5-58.)
State law reference- See A.C.A. § 12-76-102

2.56.02 Civil defense defined As used in this chapter the term "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes. These functions include, without limitation, fire-fighting services, medical and health services, rescue, engineering and air-raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, restoration of public utility services, and other functions relating to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. (Ord. No. 157, § 2, 6-5-58.)

2.56.03 Powers of city manager The city manager of the city shall be responsible for and have general direction and control of the civil defense of the city. In addition to the powers and duties the city manager now has, he shall have such additional powers granted and conferred by this chapter not inconsistent with other ordinances of the city. (Ord. No. 157, § 3, 6-5-58.)

2.56.04 Appointment of director of civil defense The city manager, with the consent of the board of directors, is hereby authorized to appoint a director of civil defense, who shall perform such duties as are imposed upon him by this chapter and as are delegated to him by the city manager when not contrary to other ordinances of the city. (Ord. No. 157, § 4, 6-5-58.)

2.56.05 Director's duties generally The director of civil defense shall coordinate the activities of all organizations for civil defense within the city and shall maintain liaison with and cooperate with the civil defense agencies within the state and with the state government. (Ord. No. 157, § 5, 6-5-58.)

2.56.06 Advisory council, creation; composition; chairman; compensation There is hereby created a civil defense advisory council consisting of three (3) citizens appointed by the city manager, who shall advise the city manager and the director of civil defense on all matters pertaining to civil defense. The city manager shall serve as chairman of the council, and the members thereof shall serve without compensation. (Ord. No. 157, § 6, 6-5-58.)

2.56.07 Duties of city manager

A In performing his duties under this chapter, the city manager, or the director of civil defense when such authority is delegated to him by the city manager, is authorized to cooperate with the state government, with other cities and counties, and with

private agencies in all matters pertaining to the civil defense of the city and of the state.

B In performing his duties under this chapter and to effect its policies and purposes, the city manager is further authorized and empowered:

1 To make, amend and rescind the necessary orders, rules and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the state government.

2 To prepare a comprehensive plan and program for the civil defense of the city, such plan and program to be integrated into and coordinated with the civil defense plans of the state government and of other cities and counties within the state to the fullest extent.

3 In accordance with the plan and program for the civil defense of the city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of the civil defense organization, in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

4 To make such studies and surveys of the industries, resources, and facilities in the city as may be necessary to ascertain the capabilities of the city for civil defense, and to plan for the most efficient emergency use thereof.

5 On behalf of the city, to enter into mutual aid arrangements with other cities and counties within this state, for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the governor or of the state director of civil defense.

6 To delegate any administrative authority vested in him under this chapter and to provide for the sub-delegation of any such authority.

7 To cooperate with the governor and the state office of civil defense and other appropriate state officers and agencies, and with the officials and agencies of other cities and counties within the state, pertaining to the civil defense of the state, including the direction or control of:

a Blackouts and practice blackouts, air-raid drills, mobilization of civil defense forces, and other tests and exercises;

b Warnings and signals for drills or attacks, and the mechanical devices to be used in connection therewith;

c The effective screening or extinguishing of all lights and lighting devices and appliances;

d Shutting off water mains, gas mains, electrical power connections and suspension of all other utility services;

e The conduct of civilians. and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack;

f Public meetings or gatherings; and

g The evacuation and reception of the civilian population. (Ord. No. 157, § 7, 6-5-58.)

2.56.08 Civil defense personnel-Generally No person shall be employed or associated in any capacity in the civil defense organization of the city, established under this chapter, who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States, the state, or the city, or the overthrow of any movement in the United States by force or violence or who has been convicted of or is under indictment or information charging any subversive act against the United States. (Ord. No. 157, § 12, 6-5-58.)

2.56.09 Same-Oath Each person who is appointed to serve in the city's organization for civil defense shall, before entering into his duties, take an oath in writing, before a person authorized to administer oaths in the state, which oath shall be substantially as follows:

"I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Arkansas, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this state, by force or violence; and that during such time as I am a member of the Civil Defense Council of the City of Arkadelphia, Arkansas, I will not advocate or become a member of any political party or organization that advocates the overthrow of the United States, or of this state, by force or violence."
(Ord. No. 157, § 12, 6-5-58.)

2.56.09 Political activity prohibited No organization for civil defense established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. No. 157, § 11, 6-5-58.)

2.56.010 Mutual aid arrangements

A The director of the organization for civil defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

B The director of the organization for civil defense may, subject to the approval of the governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. (Ord. No. 157, § 8, 6-5-58.)

2.56.011 Appropriations; authority to accept services, gifts, grants and loans

A Whenever the state government or any agency or officer thereof shall offer to the city services, equipment, sup- plies, materials or funds by way of gift, grant or loan for purposes of civil defense, the city manager may accept such offer and upon such acceptance, the manager may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

B Whenever any person shall offer to the city services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of civil defense, the city, acting through the city manager, may accept such offer, and upon such acceptance the city manager may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city and subject to the terms of the offer. (Ord. No. 157, § 9, 6-5-58.)

2.56.012 Utilization of existing services and facilities In carrying out the provisions of this chapter the city man- ager is directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the city to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the city manager and the civil defense organization of the city upon request. (Ord. No. 157, § 10, 6-5-58.)

2.56.013 Enforcement of orders, rules, regulations, etc. It shall be the duty of the organization for civil defense established pursuant to this chapter and of the officers there- of, to execute and enforce such orders, rules and regulations as may be made by the city manager under authority of this chapter. Such organization shall have available at its office all orders, rules and regulations made by the manager, or made under his authority. (Ord. No. 157, § 15, 6-5-58.)

TITLE 3

FISCAL AFFAIRS

Chapters:

3.04 Purchases
3.08 Sales and Use Tax
3.12 Revenue Bonds
3.16 Administrative Charges for Revenue Bond Issues
3.20 Public Education Facilities Board
3.24 Real and Personal Property Tax

CHAPTER 3.04

PURCHASES

Sections:

3.04.01 Power and responsibility
3.04.02 Waiving competitive bidding
3.04.03 Approval of payments

3.04.01 Power and responsibility The City Manager or his/her 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 in and for the city 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 or in carrying out any work or undertaking of a public nature therein where the total expenditure therefore is below the sum of Twenty Thousand Dollars ($20,000.00). Where the amount of expenditures for any purpose or contract is Twenty Thousand Dollars ($20,000.00) or more, the City Manager or his/her duly authorized representative shall invite competitive bidding thereon by legal advertisement in any local newspaper.

Bids received pursuant to the legal advertisement shall be opened and read on the date set for receiving the bids in the presence of the City Manager or his/her duly authorized representative together with any committee that may be named by the City Manager or the governing body for this purpose. The contract shall be awarded by the City Manager and the Board of Directors to the lowest responsible bidder, provided, however, the City Manager and the Board of Directors may reject any and all bids received. (Ord. No. O-13-9, Sec. 1.)

3.04.02 Waiving competitive bidding The Board may waive the requirement of competitive bidding in exceptional circumstances where this procedure is not feasible all in accordance with A.C.A. 14-47-138 as may be amended from time to time. (Ord. No. O-13-9, Sec. 2.)

3.04.03 Approval of payments The City Manager 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 inadequate to pay such bills, debts or liabilities not covered by previous appropriation, confirmation shall be required by the Board of Directors. (Ord. No. O-13-9, Sec. 3.)

CHAPTER 3.08

SALES AND USE TAX

Sections:

3.08.01 Levy of Sales and Use Tax
3.08.02 Defining single transaction
3.08.03 Additional tax

3.08.01 Levy of Sales and Use Tax As authorized by Act 990 of 1975 of the Acts of Arkansas, as amended, there is hereby levied a sales and use tax at the rate of one percent (1%) on the receipts from the sale at retail within the city of Arkadelphia, Arkansas, on all such items which are subject to taxation under the Arkansas Gross Receipts Tax Act, Act 336 of 1941 of the Acts of Arkansas, as amended. (Ord. No. B-402, Sec. 1.)

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

A. When two 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 are sold to a person 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 utilities services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether

such services are paid daily, weekly, monthly or annually, for the purposes 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 supplies to contractors, builders or other persons, a single transaction, for the purposes of the local sales tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement on which an aggregate sales (or use) tax figure has been reported and remitted to the state.

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 purposes 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 by 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. 426.)

3.08.03 Additional tax Under the authority of the authorizing legislation, there is hereby levied a new 0.25% tax on the gross receipts from the sale at retail within the city on all such items which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101 et seq.) and the imposition of a new excise (or use) tax on the storage, use, distribution or other consumption within the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, et seq.) at a rate of 0.25% of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the Sales and Use Tax). The Sales and Use Tax will be levied and collected on the gross receipts, gross proceeds or sales price for each single transaction in the maximum amount allowed from time to time by Arkansas law.

The Sales and Use Tax shall be levied, and the net collections received after the state of Arkansas deducts its administrative charges, shall be used by the city

A. To finance the operation and maintenance of park and recreational facilities and/or

B. To pay and secure the repayment of capital improvement bonds approved by the voters and issued from time to time by the city to finance park and recreational improvements. (Ord. No. O-04-3, Secs. 1-2.)

CHAPTER 3.12

REVENUE BONDS

Sections:

3.12.01	Issuance
3.12.02	Purchase Agreement
3.12.03	Terms and conditions
3.12.04	Preparation and distribution
3.12.05	Disclosure Agreement
3.12.06	Execution and delivery
3.12.07	Tax-exempt obligations
3.12.08	Proceeds
3.12.09	Redemption
3.12.010	Records

3.12.01 Issuance The issuance of the Series 2014 Bonds in the aggregate principal amount not to exceed $3,500,000 is hereby authorized. The true interest cost of the Series 2014 Bonds (after taking into account underwriter's discount and original issue premium or discount, if any) shall not exceed 5.25% per annum. The weighted average maturity of the Series 2014 Bonds (taking into account mandatory sinking fund redemptions, if any) shall not be greater than twenty
(20) years. The Series 2014 Bonds shall mature not later than thirty (30) years after issuance. The underwriter's discount shall not exceed 1.5%) (Ord. No. O-14-1, Sec. 1.)

3.12.02 Purchase Agreement Following the offering of the Series 2014 Bonds under the terms set forth in 3.12.01, the Mayor is authorized to execute and deliver a Bond Purchase Agreement (the "Purchase Agreement") with Stephens Inc. (the "Underwriter") for and on behalf of the City. The Purchase Agreement is hereby approved in substantially the form submitted at this meeting, with such appropriate modifications as shall be agreed to by the Mayor, his execution to constitute conclusive evidence of such approval. (Ord. No. O-14-1, Sec. 2.)

3.12.03 Terms and conditions To prescribe the terms and conditions upon which the Series 2014 Bonds are to be executed, authenticated, delivered, issued, accepted, held and secured, the Mayor and City Clerk are hereby authorized and directed to execute and acknowledge a Trust Indenture (the "Indenture"), by and between the City and a bank or trust company selected by the Underwriter (the "Trustee"). The Indenture is hereby approved in substantially the form submitted at this meeting, and the Mayor and City Clerk are hereby authorized to execute and deliver the Indenture with such modifications as shall be approved by the Mayor and City Clerk, their execution to constitute conclusive evidence of such approval. (Ord. No. O-14-1, Sec. 3.)

3.12.04 Preparation and distribution The preparation and distribution to various prospective and actual purchasers of the Series 2014 Bond, of the Preliminary Official Statement and final Official Statement describing the City, the Series 2014 Bonds, the Indenture and other information, is hereby authorized in substantially the form submitted at this meeting is hereby approved. The Underwriter is authorized to use the Preliminary Official Statement in connection with the sale of the Series 2014 Bonds. The execution of the Preliminary Official Statement and final Official Statement by the Mayor, for and on behalf of the City, is hereby authorized. The action of the Mayor to "deem final" the Preliminary Official Statement in accordance with Securities and Exchange Commission Rule 15c2-12(b)(5) is hereby authorized. (Ord. No. O-14-1, Sec. 4.)

3.12.05 Disclosure Agreement The Continuing Disclosure Agreement (the "Disclosure Agreement") between the City and the Trustee providing for the disclosure obligations of the City with respect to the Series 2014 Bonds, in substantially the form submitted to this meeting, is approved and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the Disclosure Agreement. (Ord. No. O-14-1, Sec. 5.)

3.12.06 Execution and delivery The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Preliminary Official Statement; the execution and delivery of the Indenture; the execution and delivery of the Purchase Agreement; the execution and delivery of the Disclosure Agreement; the execution, delivery and distribution of a final Official Statement; and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this ordinance. The Mayor and City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority as to evidence the exercise thereof. (Ord. No. O-14-1, Sec. 6.)

3.12.07 Tax-exempt obligations The Series 2014 Bonds are hereby designated as "qualified tax-exempt obligations" within the meaning of the Internal Revenue Code of 1986, as amended (the "Code"). The Board of Directors of the City hereby finds and determines that the aggregate principal amount of its qualified tax-exempt obligations (excluding "private activity bonds" within the meaning of Section 141 of the Code that are not "qualified 501(c)(3) bonds" within the meaning of Section 145 of the Code), including those of its subordinate entities, issued in calendar year 2014 will not exceed $10,000,000. (Ord. No. O-14-1, Sec. 7.)

3.12.08 Proceeds The City covenants that it will not reimburse itself from proceeds of the Series 2014 Bonds for any costs paid prior to the date the Series 2014 Bonds are issued except in compliance with United States Treasury Regulation No. 1.150-2 (the "Regulation"). This ordinance shall be considered an "official intent" for purposes of the Regulation. (Ord. No. O-14-1, Sec. 8.)

3.12.09 Redemption The Bonds Refunded that mature on or after December 1, 2016, shall be called for redemption on December 1, 2015. The amount in the bond fund and debt service reserve for the Bonds Refunded shall be used, along with proceeds of the Series 2014

Bonds, to accomplish the refunding of the Bonds Refunded. (Ord. No. O-14-1, Sec. 9.)

3.12.010 Records The City Clerk shall maintain, in the permanent records of the City, for inspection by any interested person, a copy of the Indenture, the Preliminary Official Statement, final Official Statement, Disclosure Agreement and the Purchase Agreement. (Ord. No. O-14-1, Sec. 10.)

CHAPTER 3.16

ADMINISTRATIVE CHARGES FOR REVENUE BOND ISSUES

Sections:

3.16.01 Established
3.16.02 Application
3.16.03 Charges
3.16.04 Increased fees

3.16.01 Established A charge for administrative purposes provided by the city of Arkadelphia, Arkansas, in the issuance of certain revenue bonds is hereby established. (Ord. No. B-415, Sec. 1.)

3.16.02 Application The charges herein established shall apply to the following revenue bonds issued:

A. Act 9 - Industrial Development Bonds

B. Amendment 49- Industrial Development Bonds for privately owned facilities

C. Act 380 of 1971- Tourism Revenue Bonds

D. Any other bonds issued by the city for privately operated facilities. (Ord. No. B-415, Sec. 2.)

3.16.03Charges The following charges are established:

Bonds authorized by city	Charges
$100.00- $500,000.00	$500.00
$500,000.00 - $2,500,000.00	$1,500.00
$2,500,000.00- $10,000,000.00	$2,500.00
Over $10,000,000.00	Set by Board of Directors

3.16.04 Increased fees In the event the city of Arkadelphia, Arkansas, provides paying agent services or exercises any supervisory control over the funds received as a result of said bond issues, then the City Board of Directors will amend these charges by increasing the fee based upon the amount of additional necessary administrative work. (Ord. No. B-415, Sec. 4.)

CHAPTER 3.20

PUBLIC EDUCATION FACILITIES BOARD

Sections:

3.20.01	Findings
3.20.02	Creation of Board
3.20.03	Name of Board
3.20.04	Members of Board; term of office
3.20.05	Powers
3.20.06	Issuance of bonds
3.20.07	Organization; reports

3.20.01 Findings The Board of Directors of the city hereby finds and determines:

A. There exists within the city a need for additional post-secondary educational facilities to adequately provide for the educational needs of the citizens and residents of the city;

B. The providing of financial assistance under the provisions of the Act is necessary in order for the University to continue to satisfy the requirements of the citizens and residents of the city for post-secondary educational facilities and services which cannot reasonably be met by other available facilities;

C. Financial assistance under the Act to the University for the improvement of its facilities and operation thereof will be necessary to the feasibility of accomplishing such purposes and will insure the availability of quality postsecondary educational facilities to the public at the lowest possible cost, thereby benefiting the public in general, and the citizens and residents of the city in particular;

D. The city is authorized by the provisions of the Act to provide financing of postsecondary educational facilities through the creation of a public facilities board and the issuance of revenue bonds by the public facilities board; and

E. It is in the best interests of the city and its citizens and residents to create a public facilities board under the Act and to limit the authority of that board to the financing of facilities to be operated by the University. (Ord. No. 483, Sec. 1.)

3.20.02 Creation of Board In accordance with and pursuant to the authority conferred by the provisions of the Act, there is hereby created and established a Public Facilities Board

(hereinafter referred to as the "Board") with authority as hereinafter provided to accomplish, finance, refinance, contract concerning and otherwise dispose of and deal with "facilities for post-secondary education" (as defined in the Act) to be operated by the University. (Ord. No. 483, Sec. 2.)

3.20.03 Name of Board The name of the Board shall be the "City of Arkadelphia, Arkansas, Public Education Facilities Board (Ouachita Baptist University)". (Ord. No. 483, Sec. 3.)

3.20.04 Members of Board; term of office The Board shall consist of five (5) persons. The initial members shall, as provided in the Act, be appointed by the Mayor to serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Successor members shall be selected as provided in the Act. The members of the Board shall be residents of the city. As soon as practicable after the enactment of this ordinance, each member of the Board shall qualify by taking and filing with the Clerk/Treasurer the oath of office as prescribed by the Act. (Ord. No. 483, Sec. 4.)

3.20.05 Powers The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning or otherwise dispose of facilities for post-secondary education or to lend money to the university for the purpose of financing the construction, acquisition and equipment of such facilities as shall be determined by the Board to be necessary to effect the purposes of this ordinance to provide adequate facilities for post-secondary education within the city for the university. (Ord. No. 483, Sec. 5.)

3.20.06 Issuance of bonds The Board is authorized to issue revenue bonds from time to time as permitted by the Act 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 as the same relates to the providing of adequate facilities for post-secondary education. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the city or any of its revenues are pledged. (Ord. No. 483, Sec. 6.)

3.20.07 Organization; reports The Board shall have all of the powers provided in the Act subject to the provisions of this ordinance and shall carry out its duties in accordance with the Act. including specifically, without limitation, the filing of the annual report required by A.C.A. 14-137-123 (1987). The Board shall take all appropriate action necessary to comply with the Constitution and laws of the United States of America and of the state of Arkansas. (Ord. No. 483, Sec. 7.)

CHAPTER 3.24

REAL AND PERSONAL PROPERTY TAX

Sections:

3.24.01 Tax levied A tax of five (5) mills on the dollar is hereby levied by the City Board of Directors of the city of Arkadelphia, Arkansas, on all the real and personal property within the corporate limits of the city of Arkadelphia, for the taxable year 2014, collectible in 2015.

A certified copy of this ordinance is delivered by the City Clerk to the County Clerk of Clark County, Arkansas, to be certified to the Quorum Court. (Ord. No. O-14-08, Secs. 1-2.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

4.04 In General
4.08 Electric Franchises
4.12 Gas Franchise
4.16 Telephone Franchise
4.20 Fiber Optics Network Franchise
4.24 Transient Merchants
4.28 Taxicabs and other Vehicles for Hire

CHAPTER 4.04

IN GENERAL

Sections:

4.04.01 Doing Business without a license
4.04.02 Due date, delinquency date and expiration date of licenses
4.04.03 Display of licenses
4.04.04 Transfer of licenses
4.04.05 Penalty for violation

4.04.01 Doing business without a license It shall be unlawful for any person to conduct, ·engage in, maintain, operate, carry on or manage a business or occupation for which a license is required without first having procured a license for such business or occupation.

4.04.02 Due date, delinquency date and expiration date of licenses All annual licenses provided for in this chapter shall be due and all fees payable on January first of each year, and shall be delinquent if not paid by January thirty-first, and shall expire on the thirty-first day of December of the year of issue. (1949 Digest of Ords., § 14-12; Ord. No. 114, § 7, 9-6-49)

4.04.03 Display of licenses Each license issued under the provisions of this chapter shall be posted in a conspicuous place where the business, occupation, profession or vocation is carried on and the holder of the license shall show such license to any agent of the city upon being requested to do so.

4.04.04 Transfer of licenses. The licenses issued under the provisions of this chapter

shall not be transferable.

4.04.05 Penalty for violation Unless otherwise specifically stated any violation of this chapter shall be deemed a misdemeanor and shall be punished as provided in section 1.32.01 of this Code and if such violation is in the nature of a continuous offense, each day of such violation shall be deemed a separate offense. (1949 Digest of Ords., § 14-13)

CHAPTER 4.08

ELECTRIC FRANCHISE

Sections:

4.08.01 Electric franchise granted to Entergy
4.08.02 Rights and responsibilities of Grantor and Grantee
4.08.03 Termination procedure
4.08.04 Rates
4.08.05 City not liable for negligence of Grantee
4.08.06 Standards of care for facilities
4.08.07 Franchise tax
4.08.08 Street lighting
4.08.09 Private generation facilities allowed
4.08.010 Electric franchise granted to South Central Arkansas Electric Cooperative
4.08.011 Rights and responsibilities of Grantor and Grantee
4.08.012 Termination procedure
4.08.013 Rates
4.08.014 City not liable for negligence of Grantee
4.08.015 Standards of care for facilities
4.08.016 Franchise tax
4.08.017 Street lighting
4.08.018 Private generation facilities allowed

4.08.01 Electric franchise granted to Arkansas Power and Light Company The city of Arkadelphia, 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 Arkadelphia, 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).

4.08.02 Rights and responsibilities of Grantor and Grantee

A. General rights and obligations 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.

B. Standards and 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.

C. Removal of hazards; clearing of right-of-ways 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; 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.

4.08.03 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.

4.08.04 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.

4.08.05 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.

4.08.06 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.

4.08.07 Franchise tax The manufacture, sale, furnishing, transmission and distribution of electric power and energy by the Power Company within the city is hereby declared to be a special privilege and for such privilege and franchise the Power Company shall pay to the city a fee. Payment shall be in lieu of the payments otherwise called for in Section 9 of the Power Company's franchise agreement. (Ord. No. O-99-4, Sec. 4.)

Beginning February 1991 and continuing monthly thereafter until canceled by either party, Arkansas Power & Light Company shall pay to the city five percent (5%) of Power Company's previous month's gross electric revenue collections from its Arkadelphia customers located within the corporate limits of the city. (Ord. No. B-508, Sec. 2.)

4.08.08 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.

4.08.09 Private generation facilities allowed 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 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.

4.08.010 Electric franchise granted to South Central Arkansas Electric Cooperative The city of Arkadelphia, Arkansas, (hereinafter called Grantor) hereby grants to the South Central Arkansas Electric Cooperative, Inc., its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the 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. B-387, Sec. 1.)

4.08.011 Rights and responsibilities of Grantor and Grantee

A. General rights and obligations 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.

B. Standards and 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.

C. Removal of hazards; clearing of right-of-ways 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; 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. B-387, Secs. 2-4.)

4.08.013 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. B-387, Sec. 6.)

4.08.014 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. B-387, Sec. 7.)

4.08.015 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. B-387, Sec. 8.)

4.08.016 Franchise tax Beginning in January, 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 five percent (5%) of the preceding month's electric revenues before the application of any adjustment clause as paid to the Grantee by consumers located within the corporate limits of the city of Arkadelphia, Arkansas. 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 consumers on which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of revenues received by Grantee in the city of Arkadelphia, 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 finding upon both parties hereto.

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 mileage 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 to pay Grantor the franchise tax as set forth herein shall immediately terminate. (Ord. No. O-99-7, Sec. 1.)

4.08.017 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. B-387, Sec. 10.)

4.08.018 Private generation facilities allowed 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 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. B-387, Sec. 11.)

CHAPTER 4.12

GAS FRANCHISE

Sections:

4.12.01	Gas franchise granted to Arkansas Louisiana Gas Company
4.12.02	Rights and responsibilities of Gas Company and city
4.12.03	Franchise tax
4.12.04	Rights of city
4.12.05	Rights of Gas Company

4.12.01 Gas franchise granted to Arkansas Louisiana Gas Company The Arkansas Louisiana Gas Company (hereinafter referred to as the "Gas Company") is duly authorized by franchise ordinance heretofore enacted to operate a gas distribution system and appurtenances thereto, used in, or incident to the rendition of gas service to Arkadelphia, Arkansas, and the inhabitants thereof residing in the city.

4.12.02 Rights and responsibilities of Gas Company and city The Gas Company is now occupying and shall continue to occupy the streets and alleys of the city of Arkadelphia, Arkansas, for the purpose of operating, maintaining and extending its gas service to the city and the inhabitants and consumers residing in the city, and shall continue to supply to the city and consumers therein gas service.

4.12.03Franchise tax The Gas Company will pay a franchise tax to the city as follows: Beginning January 1, 1981, and thereafter during the life of this franchise, the Company shall pay to the city each quarter a franchise tax in an amount equal to five percent (5%) of the preceding three (3) months' gross gas revenues as paid to the Gas Company by all customers located within the corporate limits of the city of Arkadelphia, Arkansas. The first payment will be due April 15, 1981, based on revenues received during the months of January, February and March of 1981, and a payment on the 15th day of July, October and January based on preceding three (3) months' revenues will be made. (Ord. No. O-99-8, Sec. 3.)

4.12.04 Rights of city City shall have the right to examine and verify, from the records of the Gas Company, any data relating to the gross revenues of the Gas Company from customers on which said franchise tax is due. (Ord. No. O-99-8, Sec. 4.)

4.12.05 Rights of Gas Company The franchise tax may be passed on by the Gas Company to the customers in the city in accordance with rules and regulations of the Arkansas Public Service Commission. (Ord. No. O-99-8, Sec. 5.)

CHAPTER 4.16

TELEPHONE FRANCHISE

Sections:

4.16.01	Authority granted for operation of telephone system
4.16.02	Tax imposed upon Southwestern Bell Telephone Company
4.16.03	Tax shall be in lieu of other charges
4.16.04	Temporary moving of lines
4.16.05	Permission to trim trees
4.16.06	Electric light or power wire attachments
4.16.07	Exclusive privileges not given

4.16.01 Authority granted for operation of telephone system The Southwestern Bell Telephone Company, it successors and assigns (hereinafter 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 Arkadelphia, Arkansas, (hereinafter 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 said 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. (Ord. No. B-495, Sec. 1.)

4.16.02 Tax imposed upon Southwestern Bell Telephone Company The Telephone Company shall pay to the city on or before March 31, June 30, September 30 and December 31 of each year beginning February 1, 1990, an amount equal to five percent (5%) of the company's local exchange access line charges collected in the corporate limits of Arkadelphia for the previous calendar year. (Ord. No. B-495, Sec. 2.)

4.16.03 Tax shall be in lieu of other charges The quarterly franchise fee payments 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. (Ord. No. O-99-6, Sec. 2.)

4.16.04 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. (Ord. No. B-495, Sec. 4.)

4.16.05 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. (Ord. No. B-495, Sec. 5.)

4.16.06 Electric light or power wire attachments Nothing contained in this chapter shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. B-495, Sec. 6.)

4.16.07 Exclusive privileges 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. (Ord. No. B-495, Sec. 7.)

CHAPTER 4.20

FIBER OPTICS NETWORK FRANCHISE

Sections:

4.20.01	Granted
4.20.02	Construction
4.20.03	Communications cable
4.20.04	City held harmless
4.20.05	One Call system
4.20.06	Bond
4.20.07	Insurance policies
4.20.08	Franchise fee
4.20.09	Public property
4.20.010	Liability
4.20.011	Communication

4.20.01 Granted

A. Subject to the provision of this ordinance, a non-exclusive fiber optic franchise is hereby granted to Windstream KDL, Inc. (Franchisee) for the placement and maintenance of buried and aerial fiber optic communications cable in the public rights-of-way.

B. This franchise shall have a ten (10) year term commencing on August 1, 2011, and shall renew for a subsequent ten (10) years upon the approval of the Arkadelphia Board of Directors or unless the Franchise is earlier terminated by abandonment or due to breach by the Franchisee.

C. The failure of the Franchisee to meet any of the terms of this ordinance shall, after ninety (90) days' notice and opportunity to cure, constitute cause for termination of this franchise by the City. Any termination will be declared in writing by the City Manager and shall be subject to due process review by the Board of Directors.

D. This franchise is non-exclusive and nothing in this ordinance shall limit or otherwise impact the right of the City to enter into other franchises with other parties.

E. All references to the City Manager shall be deemed to refer to the City Manager or the employees of the City designated by the City Manager to perform the referenced function. (Ord. No. O-12-11, Sec. 1.)

4.20.02Construction

A. All work involved in the construction, operation, maintenance, repair, upgrade, and removal of the fiber optic communications cable shall be performed by the Franchisee in a manner and using material in accordance with city standards as determined by the City Manager. Franchisee shall bore streets whenever possible. Where street cuts are unavoidable, as determined by the City Manager, they shall be approved by the City Manager and performed in accordance with the City's Street Cut Ordinance.

B. Any construction project, including initial installation pursuant to this franchise, will be completed by the Franchisee within ninety (90) days from the date of commencement, which shall be the date the permit is issued, provided the City Manager may allow reasonable extensions due to unexpected weather, acts of God or other reasonable circumstances that in the sole discretion of the City Manager justify an extension of the project target completion date. Failure to complete the project by the completion date will result in the assessment of liquidated damages in an amount determined in writing by the City Manager at the time the City issues any permit or authorizations for the construction project. (Ord. No. O-12-11, Sec. 2.)

4.20.03Communications cable The City shall have no responsibility for the maintenance of the said buried or aerial fiber optic communications cable. If the same is damaged so as to be inoperable in any manner, it shall be removed or abandoned by Franchisee, at Franchisee's sole cost and expense and in a manner meeting with the approval of the City Manager. Franchisee shall notify the City if the cable is abandoned. (Ord. No. O-12-11, Sec. 3.)

4.20.04City held harmless Franchisee shall hold the City harmless from and indemnify the City from all expenses, losses, costs, causes of action and judgments, including legal fees and expenses, arising from the placement, maintenance, operation, repair, and removal of said fiber optic communication cable. (Ord. No. O-12-11, Sec. 4.)

4.20.05One Call system Franchisee shall be member of and shall conform to the requirements of the Arkansas One Call system for all purposes including field locations of utilities prior to placement of the fiber optic communication cable and any maintenance or repair work thereto. (Ord. No. O-12-11, Sec. 5.)

4.20.06Bond Franchisee shall place (and maintain for a period of 18 months) a Fifty Thousand Dollars ($50,000.00) performance bond with the City to cover the cost of repairs or other incidental costs to the City associated with service interruption to the City's utility facilities resulting from the installation of the initial fiber optic communications cable by Franchisee. A similar bond shall be required for subsequent construction projects utilizing the subject public rights-of-way. (Ord. No. O-12-11, Sec. 6.)

4.20.07Insurance policies Franchisee shall procure and maintain in effect the following insurance policies in amounts determined appropriate by the City Manager at the time of issuance of permits or authorizations for construction activities: Commercial General Liability Insurance, Automobile Liability Insurance, and Workers' Compensation Insurance. (Ord. No. O-12-11, Sec. 7.)

4.20.08Franchisee fee

A. The annual franchise fee in the amount of 4.25% of Gross Revenues from the Franchisee's customers operating within the corporate limits of the City received by Franchisee from sale of capacity of Franchisee's fiber optic communications cable that originates or terminates within the corporate limits of the City. The Franchisee may, to the extent allowed by law, bill its subscribers operating within the corporate limits of the City such Franchise fee and reflect such charge on its invoices to subscribers operating within the corporate limits of the City.

Gross Revenue is defined as follows: Revenues received from the operation of the fiber optic communications cable to provide services as defined by the Federal Communications Commission (FCC) in the service area (corporate limits of the City). Gross Revenues shall be calculated and reported based on generally accepted accounting principles (GAAP). Gross Revenues shall not include:

1. Any fees or taxes which are imposed directly or indirectly on any customer thereof by any governmental unit or agency and which are collected by the Franchisee on behalf of such governmental unit or agency;

2. Any tax, fee, or assessment of any kind imposed by the City Authority or other governmental entity;

3. Any other special tax, assessment, or fee such as a business, occupation, and entertainment tax;

4. Any fee for the recovery of costs incurred to collect late payments for services; and

5. Net unrecovered bad debt.

B. The Franchise fee for the initial annual period shall be paid to the City on the sixtieth (60th) day following the first anniversary of the grant of this franchise. The annual franchise fee shall be due by the sixtieth (60th) day following each subsequent anniversary of the grant of this franchise. (Ord. No. O-12-11, Sec. 8.)

4.20.09 Public property The Franchisee shall, at its expense, protect, support, temporarily disconnect, relocate or remove from the subject public rights-of-way any property of the Franchisee when required at the sole discretion of the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, a change or establishment of street grade, installation or construction of sewers, drains, water pipes, or any other type of structures or improvements by the City, but the Franchisee shall have the right of abandonment of its property, subject to prior written approval of the City Manager. If federal or state funds are available at no expense to the City (including actual cost or the cost of a pro-rata obligation of the City where a project is funded partially by the state or federal funds and partially by the city funds) for the purpose of defraying the costs to any utility company of any of the foregoing, such funds shall also be made available to the Franchisee if the federal or state regulations permit. (Ord. No. O-12-11, Sec. 9.)

4.20.010 Liability Neither the City nor its officers, employees, agents, attorneys, consultants or independent contractors shall have any liability to the Franchisee as a result of any disruption or damage to the Franchisee's network that occurs as a result of, or in connection with, any breaking through, movement, removal, alteration, or relocation of any part of the network by or on behalf of the Franchisee or the City in connection with construction, relocations, improvement to, or alteration of any City structure, street, or utility facility, except, however, the City shall make reasonable attempt to avoid any damage to the Franchisee's network and shall, except in any emergency situation, provide reasonable notice to the Franchisee so as to allow the Franchisee to protect its network. (Ord. No. O-12-11, Sec. 10.)

4.20.011 Communication Any notice of communications required in the administration of this ordinance shall be sent by any method that ensure overnight delivery and shall be addressed as follows:

City Manager
City Hall
700 Clay Street
Arkadelphia AR 71923

City Clerk
City Hall
700 Clay Street
Arkadelphia AR 71923

City Attorney
929 Main Street
Arkadelphia AR 71923

Notice to the Franchisee in regard to engineering will be sent to:

Windstream
Communications, Inc. 4001

Rodney Parham
Little Rock AR 72212
Attention: VP Planning & Engineering

Notice to Franchisee in regard to invoices or payment of fees will be sent to:

Windstream Communications,
Inc. 4001 Rodney Parham
Little Rock AR 72212
Attention: Staff Manager, Tax Accounting

Or to such other address as the Franchisee and the City may, in writing, designate from time to time, provided that notice is accomplished by overnight delivery to only one designated person for the City or Franchisee. (Ord. No.O-12-11, Sec. 11.)

CHAPTER 4.24

TRANSIENT MERCHANTS

Sections:

4.24.01 Definitions
4.24.02 Regulations
4.24.03 Exceptions
4.24.04 Other ordinances
4.24.05 Activities of a temporary nature
4.24.06 Permit revocation
4.24.07 Fine

4.24.01 Definitions The following words and phrases shall have the following meaning for purposes of this ordinance:

Day means a 24 hour period beginning at 12:00 a.m. and ending at 11:59 p.m. on the same date.

Mobile retail food establishment means a vehicle-mounted food service establishment designed to be readily movable and approved by law to travel highways, roadways, and/or waterways in the state of Arkansas that is a self-contained retail food establishment equipped with permanently mounted fresh-water holding tanks and waste holding tanks.

Non-profit or community organization means any organization recognized and designated as a not-for-profit organization under the applicable federal and state income tax

rules and regulations.

Parcel of real property means the legal boundary and description of each plot of real property as identified by a unique parcel number in the records of the Clark County Tax Assessor's office.

Peddler means any person, firm, corporation, partnership or other entity who operates as a transient merchant and shall be considered synonymous with itinerant vendor.

Permanent business means any business, trade, profession, vocation, or occupation located within or conducting business within the city operating on a continuing basis, from a fixed local business address, paying the appropriate occupation tax or business license fee and not otherwise temporary, transient or portable in nature as defined in this ordinance.

Prohibited area means a corridor two hundred (200) feet in depth along both sides of all state and federal highways within the corporate limits of Arkadelphia, provided that if any given parcel of property is greater than two hundred (200) feet in depth from said highways, the entire parcel shall be included in the prohibited area.

Seasonal food operation means an establishment operating on a seasonal basis not to exceed one hundred fifty (150) day period of time per calendar year, limited to the serving of dispensed drinks, coffee, snow cones, shaved ice, and other similar ice based products and licensed as a "seasonal operation" by the Arkansas State Board of Health.

Temporary, transient or portable business means any business, trade, profession, vocation, or occupation conducted either in one (1) location or in traveling from place to place within the corporate limits of the city, from a motor vehicle, tent, open-air stand, area or table, trailer, concession, or other transient or portable structure, vehicle or device and offering for sale or selling goods, wares, merchandise, services, entertainment, food or beverages, or any other thing or item of value for fees or remuneration, regardless of duration, and not otherwise established and classified as a permanent business.

Transient merchant means any person, firm, corporation, partnership, or other entity which engages in, does, or transacts any temporary or transient business, trade, profession, vocation, or occupation within the corporate limits of the city, either in one (1) location or in traveling from place to place, from a motor vehicle, tent, open-air stand, area or table, trailer, concession, mobile retail food establishment, or other transient or portable structure, vehicle or device. (Ord. No. 0-2011-10, Sec. 1.)

4.24.02 Regulations The following regulations shall apply to the conduct of all temporary or transient businesses within the corporate limits of the city:

A. Prohibited area Temporary or transient businesses are prohibited anywhere within the prohibited area as defined herein.

B. Zoning and code compliance Any temporary or transient business located in

areas other than the prohibited area must comply with applicable portions of the zoning code (e.g., set-back requirements, proper zone for type of business, etc.). Any such business operated from a structure shall comply with all applicable building and technical codes (plumbing, electrical, etc.).

C. Business license All transient merchants shall apply for a transient merchant license which shall only be granted upon payment of the appropriate license fee, presentation of proof of Arkansas sales tax permit (or otherwise required by law), State Health Department Certifications, as appropriate, and written permission from the property owner on whose property the temporary or transient business will be located.

D. Register with law enforcement Transient merchants must register with the Arkadelphia Police Department by showing a valid I.D. or Drivers' License, for the owner/operator and each salesperson that will come in contact with the public, where an appropriate officer will approve or deny.

E. Operation days limited Transient merchants shall only be permitted to operate on one (1) occasion of not more than thirty (30) consecutive days in any given calendar year.

F. License fee The transient merchant license fee shall be as follows and shall be in lieu of any other city occupational tax or license fee:

1.	One (1) to seven (7) days of operation	$300; or
2.	Eight (8) to thirty (30) days of operation	$500

The aforesaid license fee shall be non-refundable and may not be prorated.

G. License display Any transient merchant licensed pursuant to this ordinance shall post the license in a conspicuous place on the premises licensed, or on one's body.

H. Door-to-door sales permitted from 8:00 a.m. – 5:00 p.m. only.

I. All transient merchants shall apply for and obtain a license at the Arkadelphia Police Department. APD will provide license(s) for display.

Transient merchants permitted by this ordinance shall comply with the following additional regulations:

A. Zoning and Building Code compliance.

B. Association A transient merchant not otherwise permitted by this ordinance

shall not be relieved or exempted from the provisions of this ordinance by reason of associating himself temporarily with any local dealer, auctioneer, trader, contractor, non-profit organization, or merchant or by conducting such temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader contractor, non-profit organization or merchant. (Ord. No. 0-2011-10, Sec. 2.)

2.24.03 Exceptions The provisions of this ordinance shall not apply to:

A. Salespersons Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

B. Trade shows Transient merchants registered with and part of a trade show or convention and conducted within the confines of the trade show or convention area;

C. Catalog sales Sales of goods, wares, or merchandise by sample catalogue or brochure for future delivery.

D. Fairs, amusement parks, sporting events or special events Activities conducted primarily for or in support of amusement or entertainment activities or events and located within confines of the county fairgrounds, a convention center complex, city-owned parks or plazas, or any established amusement park or sporting complex;

E. Non-profit event and concessions Any general sale, trade show, fair, auction, concession stand, fund raiser or bazaar-sponsored and operated solely by any school, church, religious or other local non-profit or governmental organization;

F. Garage sales Garage sales held on the premises devoted to residential use;

G. Seasonal food operation Any establishment operating on a seasonal basis not to exceed a one hundred fifty (150) day period of time per calendar year, limited to the serving of dispensed drinks, coffee, snow cones, shaved ice, and other similar ice-based products and licensed as a seasonal operation by the Arkansas State Board of Health;

H. Public marketplaces Permanent and transient merchants registered with the participating in an approved public marketplace operating pursuant to A.C.A. 14-140-101 et seq; and

I. Agricultural products Sales of vegetables, grain, fruit, or other farm products or livestock of any description (A.C.A. 26-77-201(c));

J. Mobile retail food establishment Any mobile retail food service establishment

duly licensed and operated in accordance with the rules and regulations of the Arkansas State Board of Health;

K. Other mobile food services Establishments engaged in selling meals, snacks or confections for immediate consumption from motorized vehicles directly to the consumer. Such establishments must be either mobile in nature traveling throughout the city such as neighborhood ice cream trucks or located on the premises of a specific client such as a commercial or industrial institution. Mobile food services may not otherwise stage or sell from a fixed location to the general public;

L. Mobile food delivery Establishments engaged in the sale and delivery of packaged foods directly to the consumer at the consumer's establishment or residence;

M. Home sales Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of the premises or to home solicitation sales
(A.C.A. 4-89-102);

N. Services and professions Any otherwise permanent service or profession which is performed by invitation of a customer at the customer's place of residence, business or work; (Ord. No. O-11-10, Sec. 3.)

O. Fireworks stands (Ord. No. O-12-8, Sec. 1.)

4.24.04 Other ordinances It is the intention of this ordinance to regulate temporary and transient business within the city of Arkadelphia. It is not the purpose of this ordinance to restrict activities otherwise permitted or regulated by the applicable governing authority. (Ord. No. O-11-10, Sec. 4.)

4.24.05 Activities of a temporary nature Any otherwise permanent business which engages or attempts to engage in activities that are temporary, transient, or portable in nature (e.g., roadside stands), regardless of the intended duration, shall comply with the requirements of this ordinance for that portion of business that is temporary, transient, or portable in nature. Any business which attempts to operate as a permanent business from a temporary or portable structure shall be considered a transient merchant and subject to the provisions of this ordinance. (Ord. No. O-11-10, Sec. 5.)

4.24.06 Permit revocation Any business license issued to a transient merchant may be revoked for any of the following reasons:

A. Violation of the condition and regulations under which the license was granted;

B. Failure to give full, complete and accurate information on the license application;

C. Violation of any city ordinance or state law including, but not limited to, any provision of this ordinance; and

D. Warrants or convictions or certain types that shall cause harm to the residents of the city of Arkadelphia.

The full amount of the license fee shall be forfeited and no part thereof shall be refunded for any license revoked. (Ord. No. O-11-10, Sec. 6.)

4.24.07 Fine The penalty for violation of this ordinance shall, upon conviction in the Clark County District Court, or any other court of competent jurisdiction, be a fine of up to One Thousand Dollars ($1,000.00) and a one (1) year jail term. (Ord. No. O-11-10, Sec. 7.)

CHAPTER 4.28

TAXICABS AND OTHER VEHICLES FOR HIRE

Sections:

4.28.01 Compliance with article provisions and state law required
4.28.02 Business permit required
4.28.03 Permit application
4.28.04 Revised statement to be furnished upon request
4.28.05 Permit fee
4.28.06 Partial-year permits prohibited
4.28.07 Insurance requirements
4.28.08 Clerk-treasurer to issue permit; receive fees
4.28.09 Revocation of permit-Reasons
4.28.010 Same-Notice of hearing
4.28.011 Same-Operation after revocation prohibited
4.28.012 Trade name and vehicle number to be displayed
4.28.013 Agreement where one person or firm has exclusive control of taxicab operation
4.28.014 Driver's certificate-Required
4.28.015 Same-When to obtain
4.28.016 Same-Fee
4.28.017 Revocation, suspension

4.28.01 Compliance with article provisions and state law required No person shall at any time engage in the operation of a taxicab business within the city unless a full and continuous compliance with the provisions of this article and the applicable laws of the state are at all times observed by said person.

4.28.02 Business permit required No person within the city shall carry on or operate a taxicab business as defined by the statutes of the state with- out first obtaining therefor a permit issued by a majority vote of the board of directors. (Ord. No. 141, § 1, 12-7-55)

4.28.03 Permit application No permit to operate a taxicab business shall be issued except upon application to the city clerk-treasurer in such form and manner as may now or hereafter be required by law. Any person wishing to engage in a taxicab business in the city shall file with the clerk-treasurer a sworn statement setting forth the following information:

A. The name of the person, firm or corporation;

B. If a firm other than a corporation, the names of the firm members and their addresses;

C. If a corporation, a copy of the articles of incorporation.

D. The city address and telephone number of the business;

E. A list of all cars and equipment used in said business, including the make, year, model, seating capacity, motor number and serial number, the operator's individual cab number as hereinafter provided for each car, and if any car be owned in whole or part by other persons, the names and addresses of such persons. (1949 Digest of Ords., § 13-97; Ord. No. 141, § 1, 12-7-55)

4.28.04 Revised statement to be furnished upon request Upon the written request of the board of directors, a revised and current statement of the information required by section 4.28.03 shall be furnished and verified within ten (10) days after such request. (1949 Digest of Ords., § 13-98)

4.28.05 Permit fee The fee for a permit to operate a taxicab business shall be twenty-five dollars ($25.00) per year for the first motor vehicle so operated and five dollars ($5.00) for each motor vehicle in addition to the first so operated. (1949 Digest of Ords. § 14-23)

4.28.06 Partial-year permits prohibited No permit provided for in this article shall be issued for a fraction of a year. (1949 Digest of Ords., § 14-23)

4.28.07 Insurance requirements Any person desiring to engage in the taxicab business with- in the city shall first procure liability insurance in such amounts as provided by state law. (1949 Digest of Ords., § 13-104)

4.28.08 Clerk-treasurer to issue permit; receive fees The city clerk-treasurer shall receive the fees and issue the permit required by this article. (1949 Digest of Ords., § 14-24)

4.28.09 Revocation of permit-Reasons Any permit to operate a taxicab business may be revoked or canceled by the board of directors for any of the following reasons; provided however, that the following list is not by way of limitation:

A. The failure to render reasonable, satisfactory and safe service to the general public.

B. The violation of any state law, this article or city ordinance by either the operator or the driver of the taxi- cab.

C. Satisfactory evidence to the board of directors that either the taxicab operator or the driver is guilty of, engaged in or interested in the procuring of, the transportation of, the possession of, the sale or manufacture of intoxicating liquor.

D. Satisfactory evidence to the board of directors that either the operator or the driver of said taxicab is guilty of, engaged in or interested in the traffic or transportation of girls or women for immoral purposes. (1949 Digest of Ords., § 13-106)

4.28.010 Same-Notice of hearing Before revoking any permit issued under the provisions of this article the board of directors shall give the operator five (5) days' written notice of a hearing to be held for the purpose of determining the question of revocation. (1949 Digest of Ords., § 13-100)

4.28.011 Same-Operation after revocation prohibited In the event a permit to operate a taxicab business is revoked, neither the person having held said permit nor anyone for him, shall thereafter engage in the taxicab business within the city unless the revocation is set aside by the board of directors. (1949 Digest of Ords., § 13-100)

4.28.012 Trade name and vehicle number to be displayed Every taxicab operator shall have stenciled or painted on both sides and on the back of each car operated by him, in large plain letters and figures not less than three (3) inches high, the trade name of the operator, and the individual number of the car, and for this purpose each operator shall number his cars consecutively, beginning with No. 1. (1949 Digest of Ords., § 13-101)

4.28.013 Agreement where one person or firm has exclusive control of taxicab operation

A. At any time all of the duly licensed taxicabs in the city are owned or exclusively controlled and operated by any one person, the board of directors may enter into an agreement with said person setting out the privileges and obligations of said operator, in addition to the conditions, duties and obligations now or hereafter fixed by law, and including, but not necessarily limited to, the following:

1. An agreement of zones to be observed and fares to be charged within said zones.

2. An agreement for the payment of a special privilege tax which shall be one per cent of the gross receipts of said business.

3. An agreement by the operator to provide safe and efficient taxicab service as is now or hereafter defined by law, sufficient for the public need and convenience as may be determined by the board of directors, and with- in such time as may be fixed after the notice of need of any additional vehicles is given by the board.

4. An agreement by the operator to continue service, for a fixed minimum period of time and to continue thereafter until notice of the operator's desire to terminate the agreement is served on the city in the time and manner specified.

5. A performance bond or other suitable guarantee such as the board of directors may require to be furnished by the operator.

6. A stipulation that the board of directors may license other or additional operators in accordance with the provisions of this article; provided, no other or additional license shall be issued during the time in which said

operator shall be fully performing in accordance with his agreement, except at a hearing therefor of which the operator shall be given due and reasonable notice and the opportunity to attend and be heard at the same; and further provided, that the issuance of any other or additional license shall immediately release the said operator from all his contractual obligations in said agreement, and shall place him in the same position as any regularly licensed taxicab operator.

B. Before any agreement such as provided for in this section shall become effective, it shall be approved by the board of directors and shall be executed by the city manager and city clerk-treasurer. (Ord. No. 141, §§ 2, 3, 12-7-55)

4.28.014 Driver's certificate-Required No person shall drive a taxicab nor shall any operator employ a driver unless said driver shall first obtain from the city clerk-treasurer a driver's certificate entitling him to drive a taxicab during the year for which said certificate is issued. (1949 Digest of Ords., § 13-102)

4.28.015 Same-When to obtain The driver's certificate provided for herein shall be obtained on or before the first day of January of each year, except that for new drivers employed during the year, the certificate shall be obtained before driving a taxicab. (1949 Digest of Ords., § 13-102)

4.28.016 Same-Fee A fee of one dollar ($1.00) shall be paid for the driver's certificate required in this article. (1949 Digest of Ords., § 13-102)

4.28.017 Revocation, suspension A driver's certificate may be revoked or suspended at any time by resolution of the board of directors for violation of this article or any ordinance of traffic control of the city, or any traffic law of the state. (1949, Digest of Ords., §§ 13-103, 13-105)

TITLE 5

HEALTH AND SANITATION

Chapters:

5.04 In General
5.08 Maintenance of Real Property
5.12 Littering
5.16 Solid Waste Collection
5.20 Mosquito Control

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

5.04.01 Compliance with rules, regulations, etc., of county health officer
5.04.02 Slaughtering of animals in city prohibited

5.04.01 Compliance with rules, regulations, etc., of county health officer Any person who shall fail, neglect or refuse to comply with, obey or carry out any order, rule or regulation made, ordered or promulgated by the county health officer shall be deemed guilty of a misdemeanor. (1949 Digest of Ords., § 8-26)

5.04.02 Slaughtering of animals in city prohibited No slaughterhouse, or pen or place for killing or slaughtering cattle, or any other animal, shall be kept in the city and any such existing place is hereby declared to be a nuisance and the keeping of the same a misdemeanor. (1949 Digest of Ords., § 8-16)

CHAPTER 5.08

MAINTENANCE OF REAL PROPERTY

Sections:

5.08.01 Unsightly or unsanitary conditions on real property
5.08.02 Notice required
5.08.03 Notification of unknown property owner
5.08.04 Citation
5.08.05 Order in writing
5.08.06 Violation

5.08.01 Unsightly or unsanitary conditions on real property It shall be unlawful for any person owning or having supervision or control of any lot, tract, parcel of land or portion thereof, within the corporate limits of the city to suffer or permit any of the following:

A. Grass, weeds, or any other plant that is not cultivated, to grow to a greater height than ten (10) inches on an average on a lot, tract or parcel of land, or to grow in rank profusion upon the premises.

B. Rubbish, brush, trash, dead trees, building materials or any other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, tract or parcel of land. If building materials are stored on the premises, all such material must be stored at least eighteen (18) inches off the ground.

C. Grass, weeds or any plant that is not cultivated, to grow in rank profusion, or otherwise, in, along, upon or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on an average.

D. The storage of a junk or abandoned automobile for a period not to exceed thirty (30) days, unless it is in connection with an automotive sales or repair business enterprise which is located in a properly zoned area. In this paragraph "abandoned automobile" means any motor vehicle or part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a current valid license plate.

E. The open storage of iceboxes, refrigerators, or any other appliances or furniture for a period not to exceed thirty (30) days, and during storage period, all doors, latches and locks are to be removed or made inoperative in a manner to ensure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which is located in a properly zoned area.

F. The use of any stream or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or natural drainage way, unless required permits have been obtained.

G. The accumulation of stagnant pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects may breed.

H. The property, including all adjacent rights-or-way and alleys, to be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned, unless required permits have been obtained.

I. Trees, shrubs, bushes or any other plant impeding the flow of pedestrian traffic on any sidewalk and/or public right-of-way, or in any other manner causing an unauthorized obstruction of the public enjoyment of a sidewalk and/or public right-of-way.

J. Any act or condition constituting a nuisance under Arkansas Code Annotated or common law. (Ord. No. O-02-3, Sec. 1.)

5.08.02 Notice Whenever the city employee designated by the City Manager or his/her duly authorized agent or representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance, he/she shall give notice of such alleged violation to the person responsible therefore, that such alleged violation shall constitute a nuisance. Such notice shall:

A. Be in writing.

B. Include a statement of the reasons why it is being issued, and the sections of the ordinance that are alleged to be in violation.

C. Allow a maximum of thirty (30) days for performance of any act it requires.

D. State, that if such alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the city employee designated by the City Manager of his/her duly authorized agent or representative, shall institute legal proceedings, charging the person with a violation of this section. (Ord. No. O-02-3, Sec. 2.)

5.08.03 Notification of unknown real property owner The person responsible for the violation shall be notified as provided by A.C.A. 14-54-902-903 as may be amended. (Ord. No. O-15-07, Sec. 1.)

5.08.04 Citation Violations of the provisions of this ordinance may be prosecuted by the issuance of a criminal information or by the issuance of a citation by a law enforcement

officer as required by law. (Ord. No. O-02-3, Sec. 4.)

5.08.05 Order in writing The head of the city department designated by the City Manager may order the owner/supervisor of any real property within the city to cut weeds, remove garbage, rubbish and other unsightly and unsanitary articles and things that may be upon the property; and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. The order shall be in writing and shall be as provided by A.C.A. 14-54-903 as may be amended. (Ord. No. O-15-07, Sec. 2.)

5.08.06Violation

A. In this ordinance "violation" or "violation of this ordinance" means:

1. Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;

2. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or

3. Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

B. In this ordinance "violation of this ordinance" or "violation" does not include the failure of a city officer or city employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this ordinance.

C. Except as otherwise provided, a person convicted of a violation of this ordinance shall be punished by a fine not exceeding Five Hundred Dollars ($500.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars ($250.00) for each day that the same is unlawfully continued.

D. If a violation of this ordinance is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the stated offense.

E. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

F. Violations of this ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief.

The imposition of a "penalty" however does not prevent the simultaneous granting of equitable relief in appropriate cases. (Ord. No. O-02-3, Sec. 7.)

CHAPTER 5.12

LITTERING

Sections:

5.12.01 Littering illegal
5.12.02 Hauling violations

5.12.01 Littering illegal It shall be unlawful for any person, firm or corporation to cast, throw, drop, place, dispose, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris. (Ord. No. B-335, Sec. 1.)

5.12.02 Hauling violations It shall be unlawful for any person, firm or corporation hauling by any type vehicles dirt, trash, refuse, junk, garbage or litter and to allow or permit such or any portion thereof to fall, drop, be tracked or otherwise placed, left or deposited on any street or sidewalk of the city of Arkadelphia, Arkansas. (Ord. No. B-335, Sec. 2.)

CHAPTER 5.16

SOLID WASTE COLLECTION

Sections:

5.16.01	Purpose
5.16.02	Definitions
5.16.03	Storage of refuse
5.16.04	Residential refuse containers and collection
5.16.05	Regular collection
5.16.06	Removal and hauling
5.16.07	Special refuse collection
5.16.08	Unlawful to burn
5.16.09	Hazardous or dangerous waste
5.16.010	Refuse fees
5.16.011	Collection of fees
5.16.012	Fine
5.16.013	Tipping fee for hauling to landfill

5.16.01 Purpose It is the purpose of this ordinance to provide for and regulate the collection of solid wastes in a manner that will protect the public health and welfare; prevent pollution; prevent the spread of disease and creation of nuisances, and enhance the beauty and quality of the environment, all within the meaning of A.C.A. 8-6-201 and other applicable laws and statutes of the state of Arkansas. (Ord. No. O-11-9)

5.16.02 Definitions For the purpose of construing this ordinance, the following definitions shall apply.

Bulky items means discarded household appliances and furniture, tree stumps, large and small tree limbs, hedge and grass clippings, leaves, pine straw, and any other refuse of a non-compactable nature.

Bundle means a package containing rubbish only, weighing not over fifty (50) pounds and not exceeding four (4) feet in its longest dimensions, securely tied with cord or ropes of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or leakage and placed for collection immediately adjacent to the curb or normal pickup point on the day of collection.

Garbage means putrescible materials resulting from the preparation, cooking and serving of food, market wastes, trimmings and other discarded matter from meat or produce, including containers in which packaged.

Refuse means garbage, rubbish, bulky items, and other discarded materials, including materials resulting from household, industrial, institutional, commercial, business, and agricultural operations, and from community activities, but excluding contractor's construction and. demolition wastes. Refuse is also known as solid waste.

Rubbish means refuse, excluding garbage and bulky items, consisting of both combustible and noncombustible trash, such as paper, cardboard, tin cans, plastics, wood, glass and similar materials. (Ord. No. O-11-9, Sec. 2.)

5.16.03Storage of refuse

A. City-owned containers Commercial, business, industrial, or institutional establishments which deposit into city-owned refuse containers shall place all refuse from their establishments in the refuse container assigned and shall break down or nest all cardboard boxes.

B. Non-city-owned containers All refuse from collection points not served by a city owned refuse container shall be stored in a single or multiple refuse containers of sufficient capacity to fully contain all refuse accumulated between collection periods and no single patron refuse container shall contain over fifty (50) pounds of refuse.

C. All refuse containers must be located outside of buildings, off the street, placed in such a manner as to not block traffic or to be a fire hazard, be readily accessible to the truck used to transport the connected refuse, and be placed on a concrete pad, which pad must be large enough to accommodate the front wheels of the collection truck.

D. All garbage and rubbish may be stored in the same refuse container provided that garbage shall be drained of liquid substance prior to depositing in a refuse container.

E. When practical, and as available, the city may provide commercial collection containers to multi-unit residences, such as apartments, when in the interest of economy the city deems this acceptable. Requests for said containers will be considered on an as-available basis, however said multi-unit residences shall still pay a per unit fee for residences as established herein. (Ord. No. O-11-9, Sec. 3.)

5.16.04Residential refuse containers and collection

A. The city of Arkadelphia Sanitation Department shall provide curbside collection of refuse (household wastes) in all residential areas.

B. The city of Arkadelphia Sanitation Department will distribute a bundle of fifty (50) bags to each household on or before the first day of January, May, and

September of each year.

C. Persons requiring or desiring extra bags may purchase them in bundles of fifty (50) from the Water Department office in City Hall.

D. The city-provided bags shall be the measure of allowable thickness and strength. Bags obtained from other sources may be used provided they meet or exceed the thickness and strength of city-provided bags.

E. Tree trimming, hedge and grass clippings, leaves, pine straw, and similar materials shall be placed in plastic bags or other similar throwaway containers or shall be cut not to exceed four feet in length or fifty (50) pounds in weight and bundled as set forth in Section 2.5. Bundles and bags should be placed at the street curb.

F. Garbage and rubbish may be placed in the same bag provide that garbage shall be drained of liquid prior to depositing in the bag. When filled, bags shall be tightly twisted closed and securely fastened. Bags that are filled and closed between collection periods shall be stored and protected from marauding animals. On collection days only, residents will place filled bags on property owned, rented or under their control, at a point as near to the curb line as practical. (Ord. No. O-11-9, Sec. 4)

5.16.05 Regular collection Refuse pickups will be made for all collection points at regular intervals by the City Sanitation Department on a schedule to be established by the said department. (Ord. No. O-11-9, Sec. 5.)

5.16.06 Removal and hauling The city of Arkadelphia shall be responsible for the collection of all refuse within the city and no person, firm or corporation shall collect or transport refuse over the streets of the city. (Ord. No. O-11-9, Sec. 6.)

5.16.07 Special refuse collection Special refuse collection will be provided to any residence, institution, business, or industry within the city on a call basis by sanitation crews or the Street Department to collect on a scheduled pickup. A charge for each trip may be billed for such service for large quantity loads. This service will be rendered only during normal working hours, which hours shall be established by the city of Arkadelphia. (Ord. No. O-11-9, Sees. 7.)

5.16.08 Unlawful to burn It shall be unlawful for any person, firm or corporation to burn or cause to be burned any refuse except as approved under the Arkansas State Fire Code and approved by the Arkadelphia Fire Department. (Ord. No. O-11-9, Sec. 8.)

5.16.09 Hazardous or dangerous waste No hazardous or dangerous waste will be collected by the Arkadelphia Sanitation Department or the Street Department and hazardous or dangerous wastes are not to be placed in any of the city-owned refuse containers, in the plastic bags furnished by the city or any other container to be picked up by the city crews. The city of Arkadelphia Solid Waste Department Head will determine what safety

precautions must be taken with any item which is considered hazardous or dangerous waste and will prescribe the rules and circumstances under which said waste will be picked up by the sanitation crew. (Ord. No. O-11-9, Sec. 9.)

5.16.010 Refuse fees Effective with the bills submitted for solid waste collection on or about November 1, 2011, the occupant of each dwelling unit, business, industry, church or institution shall cause to be paid the following monthly fees of Arkadelphia for the collection of refuse:

5.16.011 Collection of fees The fees herein provided shall be collected by the Water and Sewer Department of the city of Arkadelphia on the monthly bills rendered and the event the fee has herein provided is not paid by the 10th day of each month, a penalty of ten percent (10%) shall be levied and each penalty shall be and become a part of and be collected with the regular fees herein levied. In the event any fee levied herein remains unpaid for a period of thirty (30) days from the time it shall become due, the city of Arkadelphia shall be authorized to institute civil suit for the recovery of said fees with penalties attached, together with courts, or to institute any other legal and proper action necessary for the collection thereof including stopping solid waste service or water and sewer service. (Ord. No. O-11-9, Sec. 11.)

Residential collections, includes multi-family collections of more than two (2) dwelling units, where refuse is picked up at one central location in bags. $15.00 per month

Residential collection for heads of households 65 years of age and older with an annual income of less than $11,000. Proof of age shall be by birth certificate or driver's license. Proof of income shall be the most recent federal income tax return. $12.00 per month

Commercial collection, church or any other multiple occupants (based on volume, difficulty, and frequency of collection) where dumpsters are utilized:

Frequency per week	One time	Twice	Three	Four	Five	Six
Four yard	$65	$130	$194	$259	$324	$388
Six yard	$98	$196	$293	$366	$488	$586
Eight yard	$127	$254	$381	$508	$635	$761

Extra dumps $100 per dump

Minimum fee of $32 where individual dumpster is not available.

Minimum fee of $22 for commercial curbside collection, church or any other single occupant, limited to one bag, twice per week

Compactor boxes $440 per pull plus landfill cost.

(Ord. No. O-11-9, Sec. 10.)

5.16.012 Fine The penalty for violation of this ordinance shall, upon conviction in the Clark County District Court, or any other court of competent jurisdiction shall be a fine of up to One Thousand Dollars ($1,000.00) and a one (1) year jail term. (Ord. No.O-11-9, Sec. 12.)

5.16.013 Tipping fee for hauling to landfill

A. The Sanitation Department of the city of Arkadelphia is authorized to provide a hauling service of solid waste (trash) to a sanitary landfill in Pulaski County, Arkansas, for other governmental entities and individuals and to charge a fee called a "tipping fee."

B. The tipping fee for hauling said trash is hereby set at $44.00 per ton.

C. All fees generated as a result of this service shall be deposited in the Arkadelphia Sanitation Fund.

D. The Sanitation Department is authorized to promulgate other rules and regulations concerning the type of solid waste that will be accepted, time of operation of the transfer station and other rules and regulations that are necessary to operate an orderly, safe and efficient transfer station and hauling service. (Ord. No. O-04-14, Sees. 1-4.)

CHAPTER 5.20

MOSQUITO CONTROL

Sections:

5.20.01	Conditions conducive to mosquito breeding prohibited
5.20.02	Conditions defined
5.20.03	Methods of treatment
5.20.04	When violation deemed
5.20.05	Failure to abate conditions; work done by cities; costs
5.20.06	Health officer's right of entry
5.20.07	Separate violations

5.20.01 Conditions conducive to mosquito breeding prohibited It shall be unlawful to have, keep, maintain, cause or permit within the incorporated limits of the city, any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding. (1949 Digest of Ords., § 8-19)

5.20.02 Conditions defined Any collection of water prohibited by this article shall be held to be such collections as may be contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective roof gutters, tanks of flush closets, or any other similar water containers. (1949 Digest of Ords., § 8-20) .

5.20.03 Methods of treatment The methods of treatment of water directed toward the prevention of breeding of mosquitoes shall be approved by an accredited health officer and shall be any one or more of the following:

A Screening with wire netting of at least sixteen (16) mesh to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.

B Complete emptying every seven (7) days of unscreened containers together with their thorough drying or cleaning.

C Using a larvicide approved and applied under the direction of the health officer.

D Covering completely the surface of the water with kerosene, petroleum, or paraffin oil once every seven (7) days.

E Cleaning and keeping sufficiently free of vegetation growth and other obstructions, and stocking with mosquito-destroying fish.

F Filling or draining to the satisfaction of the health officer, his agent or accredited representative.

G Proper disposal by removal or destruction of tin cans, tin boxes, broken bottles and similar articles likely to hold water. (1949 Digest of Ords., § 8-21)

5.20.04 When violation deemed The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three (3) days after notice by the health officer, his accredited agent or representative, shall be deemed a violation of this article. (1949 Digest of Ords., § 8-22)

5.20.05 Failure to abate conditions; work done by city; costs Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within three (3) days after due notice has been given him, the city is hereby authorized to correct such conditions, and all necessary costs incurred for this purpose shall be a charge against the property owner or other person offending as the case may be. (1949 Digest of Ords., § 8-23)

5.20.06 Health officer's right of entry For the purpose of enforcing the provisions of this article, the health officer, or a duly accredited agent, acting under the health officer's authority, may at all times enter in and upon any premises within the jurisdiction of the health officer. (1949 Digest of Ords., § 8-24)

5.20.07 Separate violations Any person charged with any of the duties imposed by this article who fails within the time designated by this article or within the time stated in the notice of the health officer, as the case may be, to perform such duties or to carry out the necessary measures to the satisfaction of the health officer shall be deemed guilty of a separate violation of this article. (1949 Digest of Ords., § 8-24)

TITLE 6

ANIMALS AND FOWL

Chapters:

6.04 In General
6.08 Dogs
6.12 Dangerous Dogs
6.16 Pit Bulls
6.20 Cats
6.24 Livestock Auctions
6.28 Fowl and Other Animals

CHAPTER 6.04

IN GENERAL

Sections:

6.04.01 Cruelty to animals
6.04.02 Hunting, killing of game animals and birds within city prohibited
6.04.03 Condition of animal pens and premises
6.04.04 Impoundment generally
6.04.05 Same-Fees; disposition of animal
6.04.06 Breaking open impounding enclosure; interfering with impounding official
6.04.07 Removal of dead animals-Notice to owner; owner's duty to remove
6.04.08 Same-Owner unknown; occupant of property liable
6.04.09 Same-Failure to remove; removal by city

6.04.01 Cruelty to animals If any person shall overdrive, overload, torture, deprive of necessary sustenance, or cruelly beat or needlessly mutilate or kill, or cause to be overdriven, overloaded, tortured, tormented or deprived of necessary sustenance, or to be cruelly beaten or needlessly mutilated or killed, any living creature, every such offender shall for every such offense be guilty of a misdemeanor and upon conviction be fined in any sum not exceeding two hundred and fifty dollars ($250.00) or imprisoned not exceeding one (1) year or by both fine and imprisonment. (1949 Digest of Ords., § 2-33)

6.04.02 Hunting, killing of game animals and birds within city prohibited It shall be unlawful to hunt or kill any game animal or bird within the limits of the city at any time.

6.04.03 Condition of animal pens and premises It shall be unlawful for any person who keeps animals or fowl within the city limits to fail to keep the premises where such animals or fowl are kept free from offensive odors. It is unlawful to allow the premises where animals or fowl are kept to become unclean or to become a breeding place for flies due to maintenance in an unsanitary or filthy manner, or to become a threat to the public health by failing to diligently and systematically remove all animal waste from said premises. (1949 Digest of Ords., §§ 2-39, 8-31, 8-33)

6.04.04 Impoundment-Generally The chief of police or any person having authority to do so, shall promptly enforce the provisions of this chapter by immediately taking up and impounding in the city pound any animal found to be running at large within the corporate limits of the city. (1949 Digest of Ords., § 2-7)

6.04.05 Same-Fees; disposition of animal The owner of an animal impounded under the provisions of this chapter shall be charged for the care and maintenance of such impounded animal. The fee for such care and maintenance shall be as determined from time to time by the board of directors. If the impounded animal has not been claimed within ten (10) days from the date of impoundment such animal shall either be advertised and sold or destroyed. (1949 Digest of Ords., §§ 2-7, 2-8)

6.04.06 Breaking open impounding enclosure; interfering with impounding official Any person who shall break open or in any manner, directly or indirectly, aid or assist in or counsel or advise the breaking open of any city pound or who shall rescue, or attempt to rescue any animal from any person or officer having the same in possession at any such pound or on the way thereto for the purpose of having the same therein impounded shall together with his counselors, aides and abettors be deemed guilty of a misdemeanor and a violation of this chapter. (1949 Digest of Ords., § 2-9)

6.04.07 Removal of dead animals-Notice to owner; owner's duty to remove Every dead horse, cow or other animal found lying on any of the streets or alleys, or on any unoccupied lot in the city shall be, and is hereby declared to be, a nuisance and .if the owner of such animal be known, he shall forthwith be notified by the chief of police or his representative of the .existence of such nuisance; it shall thereupon be the duty of the owner to remove such dead animal beyond the limits of the city within six (6) hours after such notification. (1949 Digest of Ords., § 2-23)

6.04.08 Same-Owner unknown; occupant of property liable If the owner be unknown, the chief of police or his representatives shall in that event notify the occupant of the lot or premises upon which any dead animal may be found, and the occupant so notified shall in like manner, as is required of the owner in section 6.04.07, remove the same. In all cases such notification shall be in writing, signed by the chief of police, and the service thereof shall be by reading the same to the person to be notified, or by delivering to him or to some member of his family over sixteen (16) years of age at his usual place of abode a true, copy thereof, and a return endorsed on the original notice and filed with the city clerk-treasurer, shall be evidence the same as any other return of any officer. (1949 Digest of Ords. § 2-24)

6.04.09 Same--Failure to remove; removal by city If any person notified as provided

herein shall fail to remove any dead animal within the time directed to do so the chief of police or his representative shall remove the same; and in such case the person notified and failing to abate such nuisance, on conviction, shall be punished as provided in section 1.32.01 of this Code. (1949 Digest of Ords., § 2-25)

CHAPTER 6.08

DOGS

Sections:

6.08.01	Definitions
6.08.02	Vaccination
6.08.03	License and tag fee
6.08.04	Tag to be fastened to collar
6.08.05	License expiration
6.08.06	Confinement of dogs
6.08.07	Confinement other than on premises of owner
6.08.08	Running at large
6.08.09	Impounding of dogs and destruction of dogs
6.08.010	Redemption of dogs and fees
6.08.011	Dogs suspicioned rabid
6.08.012	Inspection and confinement of certain dogs
6.08.013	Fine

6.08.01 Definitions The following words and phrases shall, for purposes of this ordinance, have the following meanings:

At large Any dog not confined to the premises of the owner or within a house or other building or enclosure or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises or not confined by leash or confined within an automobile when away from the premises of the owner.

Dogs When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.

Owner Every person, firm, partnership or corporation owning, keeping or harboring a dog within the corporate limits of the city.

Vaccination An injection of any vaccine for rabies approved by the State Veterinarian and administered by a licensed veterinarian or other competent person authorized to so vaccinate. (Ord. No. B-256, Sec. I)

6.08.02 Vaccination All dogs within the corporate limits of the city of Arkadelphia six

(6) months of age or over shall be vaccinated for rabies. (Ord. No. B-256, Sec. II)

6.08.03 License and tag fee The fee for the license and tag required by this article shall be the sum of one dollar ($1.00). (1949 Digest of Ords.,§ 2-11)

6.08.04 Tag to be fastened to collar The tag required by this article shall be securely fastened to a collar which shall at all times be worn around the dog's neck. (1949 Digest of Ords., § 2-10)

6.08.05 License expiration The license provided for in this article shall expire on the thirty-first day of December of the calendar year in which it is issued. (1949 Digest of Ords., § 2-11)

6.08.06 Confinement of dogs From and after the passage of this ordinance, any person owning, possessing or keeping a dog or dogs, whether vaccinated or unvaccinated, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building or shall confine such dog or dogs by a chain or leash affixed to the animal's collar and attached to some substantial stationery object adequate to prevent the dog from running at large. (Ord. No. B-256, Sec. III)

6.08.07 Confinement other than on premises of owner At all times when not confined as stated in Section 6.04.03, the owner of any dog or dogs shall confine such animal within an automobile or by having one end of a rope or leash affixed to a substantial stationery object or held by some person competent to control such animal. (Ord. No. B-256, Sec. IV)

6.08.08 Running at large No person owning, possessing or keeping a dog shall allow the same to run at large within the corporate limits of the city of Arkadelphia. (Ord. No. B-256, Sec. V)

6.08.09 Impounding of dogs and destruction of dogs The Animal Control Workers of the city of Arkadelphia shall take into custody any dog found at large in the city of Arkadelphia and shall impound the dog in the city pound or such other place as such Animal Control workers may designate for the purpose of impoundment. Such impounded animal shall be held for a period of ten (10) days, at the end of which time, the animal shall be destroyed unless custody thereof is released prior thereto under the following conditions:

During the first six (6) days of such impoundment, the Animal Control workers of the city of Arkadelphia shall make diligent effort to determine the owner of such animal and notify him or her of such impoundment. If the owner fails or refuses to claim and repossess such animal by the payment of the proper fee, as prescribed herein, within the first six (6) days of such impoundment, then the Animal Control workers of the city of Arkadelphia may deliver custody and control of such animal to any person other than the owner upon the payment of the fee as prescribed herein between the sixth (6th) day of said impoundment and the tenth (10th) day of said impoundment. (Ord. No. B-256, Sec. VI)

6.08.010 Redemption of dogs and fees Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded, may claim and

redeem such dog from the city pound by payment of the following fees:

1st offense	$10.00
2nd offense	$15.00
3rd offense	$25.00

In addition, a daily impoundment fee of Three Dollars ($3.00 to cover board costs).

In the event the animal has not been vaccinated within a year preceding the impoundment, an additional fee of Twenty-Five Dollars ($25.00) will be charged.

The burden of proof as to vaccination shall be upon the party attempting to claim the animal has been vaccinated within the year next preceding such impoundment. Any person claiming unvaccinated animals shall, after payment of the fees assessed herein and prior to release of the animal, sign a promise, in writing, to the Animal Control Officer that such person will immediately have the animal vaccinated if it is released to him or her.

The Animal Control worker shall keep such statements in a safe place and should such a statement be signed and the animal be again impounded and the animal having not been vaccinated as promised, then the Animal Control worker prior to releasing said dog shall require an additional fee of Fifty Dollars ($50.00) to be paid by the person claiming the animal and require another promise, in writing, to have the animal vaccinated before he shall release the same to the person claiming such animal. Upon each subsequent impoundment of such animal, the same not having been vaccinated, an additional fee of Fifty Dollars ($50.00) shall be assessed. The vaccination penalty is to enforce the Arkansas Rabies Control Act, Arkansas Statutes 82-2401 - 82-2409 already in existence. (Ord. No. B-371, Sec. 1)

6.08.011 Dogs suspicioned rabid Any dog or dogs having rabies or symptoms thereof or suspected of having rabies or which has been exposed to rabies should be immediately released by the owner or custodian of such dog or dogs to the police or Animal Control worker of the city of Arkadelphia for disposal or confinement in the pound of the city of Arkadelphia or in a veterinarian hospital approved by the city. Such animal shall be immediately and securely confined by the attachment of a chain of good quality and kept under the supervision of the Animal Control workers for a period of thirty (30) days or for a longer period of time if additional confinement is deemed necessary. (Ord. No. B-256, Sec. VIII)

6.08.012 Inspection and confinement of certain dogs When any dog has bitten or otherwise attacked a person, that person or anyone having knowledge of such incidents shall immediately notify the Chief of Police or an Animal Control worker and such animal should be confined in the city pound or at a veterinarian hospital for a period of ten (10) days at the expense of the owner or shall be immediately and securely confined by the owner by tying with a chain of good quality for the period often ten (10) days in such a place that no person or animal may be bitten by it and such dog or dogs shall, during such period of confinement, be subject to inspection by the Animal Control worker or a licensed veterinarian. (Ord. No. B-256, Sec. IX)

6.08.013 Fine It is hereby declared to be a misdemeanor for the owner, possessor or

keeper of any dog to allow or permit his or her dog to run at large within the city of Arkadelphia, Arkansas, and any person violating the provisions of this ordinance shall be fined in a sum not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00). (Ord. No. B-381, Sec. 1)

CHAPTER 6.12

DANGEROUS DOGS

Sections:

6.12.01 Actions allowed
6.12.02 Definitions
6.12.03 Hearing procedure

6.12.01 Actions allowed Actions allowed by authorized persons prior to hearing:

A. If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfully be, any person, for the purpose of preventing imminent injury or further injury, may use such force as is required to stop the attack.

B. A police officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury. (Ord. No. O-06-4, Sec. 1.)

6.12.02 Definitions

Attack means aggressive physical contact initiated by the dog.

Dangerous dog means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is dangerous.

Further, no dog may be declared "dangerous"

A. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;

B. If at the time the person was committing a crime or offense upon the property of the owner or custodian, of the dog;

C. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;

D. If the dog was attached or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;

E. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;

F. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.

G. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."

Domestic animal means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters, and any animals commonly kept for companion or commercial purposes.

Serious injury means any physical injury consisting of a permanently disfiguring laceration requiring either stitches or cosmetic surgery. (Ord. No. O-06-4, Sec. 2.)

6.12.03 Hearing procedure

A. Hearing procedure

1. Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to a police officer or Animal Control Officer of the city of Arkadelphia. Such officers shall immediately inform the complainant of his right to commence a proceeding provided for in Section (2) immediately below, and, if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such proceeding himself.

2. Any person may, and any police officer or Animal Control Officer acting within the scope of his statutory duties, shall make a complaint under oath or affirmation of an alleged "dangerous" dog as that term is defined herein to any District Judge. Thereupon, the District Judge shall immediately determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to any police officer or Animal Control Officer pursuant to his statutory duties directing such officer to immediately seize such dog and hold same pending judicial determination as herein provided. Whether or not the judge finds there is probable cause for such seizure, he shall, within seven (7) days and upon written notice of not less than three (3) days to the owner of the dog, hold a hearing on the complaint.

B. Where a dog is determined pursuant to clear and convincing evidence at a duly constituted hearing to be "dangerous," the District Judge shall require the owner of said animal to register such animal with the Arkadelphia Police Department, and to provide prompt notification to the Arkadelphia Police Department of any changes in the ownership of the animal; names, addresses and telephone numbers of new

owners; any change in the health status of the animal; any further instance of attack; any claims made or lawsuits brought as a result of further instances of attack; the death of the animal. In addition, the District Judge may require any or all of the following, but items 5, 6, and 11 or any one of them, may only be imposed where there has been serious injury to a person.

1. Indoors, when not alone, the dog be under the control of a person eighteen (18) years or older. Provisions for the dog to be outdoors must also be made.

2. Outdoors and unattended, the dog be kept within a locked fenced area from which it cannot escape.

3. When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.

4. When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.

5. When outdoors the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

6. Outdoors and unattended, the dog must be confined to an escape-proof kennel of the following description:

    a. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least two and one-half (2½) times the length of the dog, and shall protect the dog from the elements.

    b. Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.

    c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.

    d. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.

7. Placement of a sign or signs of a description and in places directed by the District Judge, advising the public of the presence and tendencies of said animal.

8. Attendance by the dog and its owner/custodian at training sessions conducted

by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.

9. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.

10. That the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the Arkadelphia Police Department as indicated above.

11. The procurement of liability insurance in an amount to be determined by the District Judge, but in no case in an amount of less than Fifty Thousand Dollars ($50,000.00) covering the medical and or veterinary costs resulting from future actions of the dog.

12. If the dangerous dog escapes its enclosure, the owner or keeper shall immediately notify the Animal Control authority and begin a search for the dog.

13. If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the District Judge may impose or re-impose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.

14. If any of the above conditions ordered by the District Judge are not complied with, the owners shall be subject to the maximum fine of Five Hundred Dollars ($500.00), or the maximum allowed by state law for a misdemeanor, per day. (Ord. No. O-06-4, Sec. 3.)

CHAPTER 6.16

PIT BULLS

Sections:

6.16.01 Definitions
6.16.02 Restrictions
6.16.03 Registration
6.16.04 Conditions for keeping or maintaining
6.16.05 Fine

6.16.01 Definitions

AKC or UKA registered show dog means an American Staffordshire Terrier or Staffordshire Bull Terrier for which the owner thereof has documentation showing the dog to be a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove the animal is a show/performance dog must include:

A. An AKC or UKC registration;

B. AKC or UKC three (3) generation pedigree;

C. Proof the dog is being used as a show dog once the dog reaches the age of six (6) months; and

D. The first five (5) numbers of the AKC or UKC registration tattooed on the abdomen of the upper side of the left rear leg.

Pit bull breed includes

A. American Pit Bull Terrier;

B. Staffordshire Bull Terrier and American Staffordshire Bull Terrier (unless exempted as a registered show dog);

C. American Bull Dog;

D. Any dog whose sire or dam is a dog of a breed which is defined as a restricted breed of dog in this definition;

E. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a restricted breed;

F. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or American Bull Dog as defined by the United Kennel Club of American Kennel Club;

G. Any dog which is of the breed commonly referred to as Pit Bull and commonly recognized and identifiable as such. (Ord. No. O-07-4, Sec. 1.)

6.16.02 Restrictions A Pit Bull breed dog, other than an AKC or UKC registered show dog, is restricted within the city limits of Arkadelphia, and must be registered pursuant to the provision of 6.12.03 and comply with this ordinance, unless the animal is owned and maintained by a local, state or federal agency and used for law enforcement purposes. It shall be unlawful for any person to keep within the city limits of Arkadelphia any Pit Bull dog as defined in 6.12.01, except for AKC or UKC registered show dog as defined and identified in 6.12.01 of this ordinance, or registered in accordance with 6.12.03. (Ord. No. O-07-4, Sec. 2.)

6.16.03 Registration No registration shall be issued for a Pit Bull breed until all requirements listed herein have been met. In addition to all other fees, the city of Arkadelphia will assess, and the owner or custodian of the dog must pay the sum of Twenty-Five Dollars ($25.00) for issuance of the registration allowing possession of a Pit Bull breed in the city. The registration shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the Twenty-Five Dollar ($25.00) fee and compliance with other requirements of this ordinance.

The owner of a Pit Bull breed dog who desires to continue to keep the dog within the city limits will have sixty (60) days subsequent to the effective date of this ordinance to register the animal with the city of Arkadelphia in order for that animal to be allowed to remain in the city, pursuant to the following criteria:

A. The animal must be registered with an identification chip inserted under skin by a licensed veterinarian;

B. The owner provides proof of rabies and other vaccinations;

C. The owner and handler must be a least twenty-one (21) years of age;

D. The owner shall at his own expense have the animal spayed or neutered, and shall present to the city of Arkadelphia documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a restricted dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would place the dog's life at risk or produces documentation showing that the dog is a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as defined in 6.12.01.

E. The city of Arkadelphia shall create and maintain a registration system containing the numbers and names of the animals and the names and addresses of the owners. The owner shall be responsible for notifying the city of Arkadelphia of any change in his address, within ten (10) days of the change (regardless of whether the new address is inside or outside the city limits), and the owner shall also be responsible for notifying the city of Arkadelphia when the dog dies.

F. No person shall sell, transfer, give, trade, barter or otherwise dispose of a Pit Bull breed dog registered with the city of Arkadelphia to another person within the city. It is unlawful to abandon a Pit Bull breed dog in the city. An owner may sell or otherwise dispose of a registered Pit Bull breed dog to a person who is not a resident of the city and who will not maintain the animal within the city limits. In such cases the owner shall report the transaction to the city of Arkadelphia within the time frame set forth in Section (E) above. (Ord. No. O-07-4, Sec. 3.)

6.16.04 Conditions for keeping or maintaining

A. Confinement All Pit Bull breeds shall be securely confined:

1. Indoors, or

2. In an enclosed and locked pen or physical structure upon the premises of the owner.

The pen must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the ground beneath the gate shall be secured by imbedded posts and the sides must be embedded into the ground no less than one (1) foot, unless such pen has a concrete bottom, in which case the sides need only be embedded two (2) inches deep into the concrete. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. Any stationary pen or enclosure shall be required to be of a size at least two (2) square feet per pound of animal so confined. This structure must be species appropriate. Square feet per pound should be judged by the type of animal at average full-grown weight.

B. Leash and muzzle The owner of a Pit Bull breed shall not allow the dog to go unconfined unless the dog is securely muzzled and restrained by leash, and under the physical restraint of a person capable of restraining said dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

No person shall permit a Pit Bull dog to be kept on a chain, rope or other type of leash outside its kennel or open pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings.

C. Signs The owner of a Pit Bull breed dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous animal on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal.

D. Insurance Owners of a Pit Bull breed dog must provide proof to the city of Arkadelphia of public liability insurance in the amount of a least One Hundred Thousand Dollars ($100,000.00) insuring the owner for any personal injuries inflicted by his or her Pit Bull breed dog. (Ord. No. O-07-4, Sec. 4.)

6.16.05 Fine

A. It shall be unlawful and a misdemeanor for an owner or keeper of a Pit Bull breed dog to fail to comply with any of the provisions of this ordinance. The owner or custodian of the animal, upon conviction, shall be subject to the maximum fine of Five Hundred Dollars ($500.00), or the maximum allowed by state law for a misdemeanor, per day.

B. In addition, the dog found to be the subject of the violation of the regulations shall be subject to immediate seizure and impoundment, and revocation of the registration for keeping a Pit Bull breed dog in the city.

C. A Pit Bull breed dog seized by the city of Arkadelphia shall be held for a period of ten (10) business days and the owner may reclaim the dog by payment of a fee of Fifty Dollars ($50.00). The dog shall not be released unless the reclaim fee is paid, and the owner meets all registration requirements or signs an affidavit or sworn declaration stating that the dog will be removed outside the city limits immediately.

D. A dog released pursuant to the affidavit or sworn declaration which remains in the city limits is subject to immediate seizure. If not reclaimed within ten (10) days upon payment of the reclaim fee, the dog shall be removed as provided in this subsection and the owner who knowingly fails to remove the dog as required, shall be subject to a fine of Five Hundred Dollars ($500.00) per day.

E. Animal Control personnel may humanely destroy an animal not reclaimed or abandoned. (Ord. No. O-07-4, Sec. 5.)

CHAPTER 6.20

CATS

Sections:

6.20.01 Vaccination
6.20.02 Proof
6.20.03 Homeless cats
6.20.04 Fine

6.20.01 Vaccination All cats in the city of Arkadelphia, Arkansas shall be vaccinated in accordance with the Arkansas "Rabies Control Act" A.C.A. 20-19-301 through 20-19-312 as said Act may be amended. (Ord. No. B-506, Sec. 1.)

6.20.02 Proof All cats in the city of Arkadelphia shall be marked or identified in some manner to prove rabies vaccination. (Ord. No. B-506, Sec. 2.)

6.20.03 Homeless cats Any homeless cat and any cat not vaccinated annually in accordance with the Rabies Control Act and not marked or identified in some manner to prove rabies vaccination is subject to destruction by the Animal Control Division of the city of Arkadelphia, Arkansas. (Ord. No. B-506, Sec. 3.)

6.20.04 Fine Any person owning a cat which is not vaccinated annually and marked or identified in some manner to prove rabies vaccination shall be deemed guilty of a misdemeanor and shall be fined a sum not less than Five Dollars ($5.00) nor more than Twenty-Five Dollars ($25.00) for each offense. (Ord. No. B-506, Sec. 4.)

CHAPTER 6.24

LIVESTOCK AUCTIONS

Sections:

6.24.01 Livestock auction illegal
6.24.02 Definition

6.24.01 Livestock auction illegal The business of conducting a livestock auction within the city of Arkadelphia is hereby declared to be a nuisance and is hereby prohibited. (Ord. No. 104, Sec. 1)

6.24.02 Definition For the purpose of this ordinance, a livestock auction sale is hereby defined as a sale at which a combined total of more than ten (10) head of all species of horses,

mules, donkeys, cattle, sheep, goats and hogs shall be offered for sale at auction on any one calendar day. (Ord. No. 104, Sec. 2)

CHAPTER 6.28

FOWL AND OTHER ANIMALS

Sections:

6.28.01 Unlawful
6.28.02 Exceptions
6.24.03 Fine

6.28.01 Unlawful It shall be unlawful for any person to keep any fowl within the corporate limits of the city of Arkadelphia. (Ord. No. O-12-5, Sec. 1.)

6.28.02 Exceptions

A. Chickens It shall be lawful to keep chickens within the corporate limits of the city under the following terms and conditions:

1. The principal use of the property shall be a single family dwelling.

2. No more than six (6) hens shall be allowed for each single-family dwelling. (Ord. No. O-13-2, Sec. 1.)

3. No birds shall be allowed in multi-family complexes, including duplexes.

4. No roosters shall be allowed.

5. There shall be no outside slaughtering of birds.

6. All fowl must be kept at all times:

   a. In the side or rear yard.
   b. In a secured enclosure constructed at least two (2) feet above the surface of the ground.
   c. In a secured run connected to the above secured enclosure.

7. Enclosures must be situated at least ten (10) feet from the property line and

the owner's single family dwelling.

8. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attractions of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city or other persons.

9. The city may further restrict or eliminate the keeping of chickens within residential districts if it causes a public health issue in accordance with Arkansas law.

B. Pets Indoor pets such as, but not limited to, parrots or parakeets, or other similar birds.

C. Commercial sells Commercial establishments that serve the farming and ranching community are permitted to sell fowl. (Ord. No. 0-2012-5, Sec. 2.)

6.28.03 Fine Violation of any code provision as mentioned above is hereby declared to be a misdemeanor, punishable by a fine up to One Thousand Dollars ($1,000.00) and imprisonment in the county jail for a maximum of one (1) year with each day the code are not complied with being a separate violation. (Ord. No. O-13-4, Sec. 1.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

7.04 Fireworks
7.08 Weapons
7.12 Fire District
7.16 Fire Department
7.20 Outside Fire Service
7.24 Operation of Certain Businesses between Midnight and 5:00A.M.
7.28 Noise
7.32 Smoking Prohibited In Arkansas City Buildings and Vehicles
7.36 Tree City USA
7.40 Alcoholic Beverages Permit
7.44 Cemeteries and Graves

CHAPTER 7.04

FIREWORKS

Sections:

7.04.01 Unlawful
7.04.02 Fine

7.04.01 Unlawful Hereafter, it shall be unlawful for any person, firm or corporation to sell, offer for sale or to give away any firecrackers or torpedoes within the limits of the city of Arkadelphia. (Ord. No. 94, Sec. 1)

7.04.02 Fine Any person violating Section 7.04.01 of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding Fifty Dollars ($50.00). (Ord. No. 94, Sec. 2)

CHAPTER 7.08

WEAPONS

Sections:

7.08.01 Unlawful to carry, use
7.08.02 Fine

7.08.01 Unlawful to carry, use It shall be unlawful to carry, possess, use or discharge any fireworks, firearms, air guns, B-B guns, pellet guns, sling shots, bows and arrows (except to and from an approved archery range) or any other device capable of propelling any missile or object within the city's parks, whether developed or undeveloped or on any other city property. (Ord. No. B-342, Sec. 1)

7.08.02 Fine Any person violating Section 7.08.01 of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum greater than Fifty Dollars ($50.00) and not exceeding Two Hundred and Fifty Dollars ($250.00). (1949 Digest of Ords., § 6-47)

CHAPTER 7.12

FIRE DISTRICT

Sections:

7.12.01 Fire district established
7.12.02 Vehicles transporting liquefied petroleum gas prohibited from entering enclosures
7.12.03 Repairs to fuel systems of vehicles, motors operating on liquefied petroleum gas
7.12.04 Installation of liquefied petroleum fuel systems prohibited within enclosures
7.12.05 Penalty

7.12.01 Fire district established The fire district of the city shall coincide with the commercial zone designated as the central business district of the city.

7.12.02 Vehicles transporting liquefied petroleum gas prohibited from entering enclosures No vehicle equipped to transport or deliver liquefied petroleum gas shall, for any purpose, enter into any building or enclosure within the city limits. (Ord. No. 167, § 1, 12-8-60).

7.12.03 Repairs to fuel system of vehicles, motors operating on liquefied petroleum gas Any vehicle or other motor operating on a fuel system using liquefied petroleum gas as its fuel, shall be prohibited from entering into any building or enclosure within the city limits for the purpose of repairing the fuel system. If other work on said vehicle or motor requires the tampering with or adjustment of any part of the fuel system, then the vehicle or motor shall be removed from the confines of the building or enclosure until such work is completed. (Ord. No. 167, § 2, 12-8-60)

7.12.04 Installation of liquefied petroleum fuel systems prohibited within enclosures No liquefied petroleum fuel system shall be installed in any vehicle or motor while said vehicle or motor is within the confines of any building or enclosure in the city limits. (Ord. No. 167, § 3, 12-8-60)

7.12.05 Penalty Any person having control of the premises where a vehicle or motor is located, kept, stored, repaired or worked on in violation of sections 7.12.02-04, shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars ($25.00) and not more than five hundred dollars ($500.00) for each such violation. (Ord. No. 167, § 4, 12-8-60)

CHAPTER 7.16

FIRE DEPARTMENT

Sections:

17.16.01 Created; composition
17.16.02 Firemen to have police powers during emergency created by fire
17.16.03 Removal of buildings, etc., for purposes of checking fire
17.16.04 Authority to demolish buildings, etc. to check course of fire
17.16.05 Misplacing, removing fire department equipment
17.16.06 Officers not to permit removal of equipment; exceptions

7.16.01 Created; composition There is hereby created in and for the city a municipal fire department which shall be manned as the board of directors shall see fit.

7.16.02 Firemen to have police powers during emergency created by fire Throughout the prevalence of a fire in the city and during a period of twenty-four (24) hours thereafter, the chief of the fire department or any of his assistants, the city manager, board of directors and policemen or other officers in command shall summarily arrest and hold any suspected person, or any person who may hinder, resist or refuse to obey any officer in command, while in the active discharge of his duty in extinguishing every such fire. (1949 Digest of Ords., § 7-31)

7.16.03 Removal of buildings, etc., for purpose of checking fire The chief of the fire department or in his absence his designated representative may direct any member of the fire department to tear down and remove any building or erection, fence or other combustible

material for the purpose of checking the progress of any existing fire which menaces other buildings or property. (1949 Digest of Ords., § 7-31)

7.16.04 Authority to demolish buildings, etc., to check course of fire During the progress of a fire of a dangerous or threatening character to property in the city, the chief in command of the firemen shall have power to blow up or cause to be blown up with powder or otherwise any building or erection having no person therein at the time, if such a course be deemed necessary to check the progress of the flames. (1949 Digest of Ords., § 7-30)

7.16.05 Misplacing, removing fire department equipment Any person who shall take, move or misplace any fire ladders or other material or paraphernalia belonging to the city for use of the fire department in putting out or aiding in the extinguishment of fires, upon conviction thereof shall be punished as provided in section 1.32.01 of this Code. (1949 Digest of Ords., § 7-33)

7.16.06 Officers not to permit removal of equipment; exceptions No city official or any other person shall have authority to lend, or to allow to be removed from the firehouse except to be used for practice or at a fire then in progress in the city, any fire department material or equipment. (1949, Digest of Ords., § 7-34)

CHAPTER 7.20

OUTSIDE FIRE SERVICE

Sections:

7.20.01	Authority
7.20.02	Fee
7.20.03	Re-deposits
7.20.04	Refunds
7.20.05	Bank deposits
7.20.06	Interest
7.20.07	Records
7.20.08	Discretionary action

7.20.01 Authority When the firefighting apparatus of the city is not committed to fighting a fire, a part of the equipment and manpower may be dispatched by and at the discretion of the Fire Chief to a fire occurring within six (6) miles of the corporate limits of the city; provided the owner of the property so located outside the city limits has complied with the terms and conditions set forth in this ordinance. (Ord. No. O-93-2, Sec. 1.)

7.20.02 Fee

A. Owner or occupant of dwelling The owner or occupant of a dwelling house located outside the city but within the limits set forth in Section 7.12.01, desiring protection, shall place on deposit with the City Clerk/Treasurer the sum of One Hundred Dollars ($100.00) and shall pay One Hundred Dollars ($100.00) for each hour after the first hour the Fire Department is engaged in fighting any fire.

B. Owner or occupant of business house The owner or occupant of a business house located outside the city but within the limits specific in 7.12.01, desiring protection, shall place on deposit with the City Clerk/Treasurer the sum of Two Hundred Dollars ($200.00) and shall pay One Hundred Dollars ($100.00) for each hour after the first hour the Fire Department is engaged in fighting any fire.

C. In addition to the deposits required as stated in 7.12.02 A. and B., residents outside the city limits shall pay a fee of One Hundred Dollars ($100.00) annually and businesses outside the city limits shall pay a fee of Two Hundred Dollars ($200.00) annually for the first ten thousand (10,000) square feet of building covered and Two Dollars ($2.00) for each additional one thousand (1,000) square feet covered with said annual fees for businesses and residents to be paid during July of the year in which said fee applied. Half annual fees paid by residents or businesses will be placed in the Firemen's Pension and Relief Fund for disbursement according to its terms, and half of the annual fees paid by residents or businesses will be placed in the City General Fund. None of the annual fee will apply on the fee due the city in case of a fire. (Ord. No. O-93-2, Sec. 2.)

7.20.03 Re-deposits If at any time the Fire Department of the city shall be called upon to fight a fire at a dwelling house or place of business located outside the city, the sum of money deposited with the City Clerk/Treasurer and any additional firefighting fee, shall be paid by such Clerk/Treasurer into the General Fund of the city and in order that such protection be continued, the owner or occupant must re-deposit a like sum as provided for in Section 2 A. or 2 B. as the case may be. (Ord. No. 0-93-2, Sec. 3.)

7.20.04 Refunds If at any time fire protection is no longer desired on property located outside the city limits, the City Clerk/Treasurer shall, on demand of the depositor and production of their receipt, refund the full amount of the deposit without interest, provided the same has not been forfeited through the use of fire protection as provided for in this ordinance. (Ord. No. O-93-2, Sec. 4.)

7.20.05 Bank deposits The City Clerk/Treasurer shall place all money deposited under Section 2 A. or 2 B. of this ordinance in an institution covered by FDIC or FSLIC at the best interest rate obtainable. All interest realized from such deposit will be deposited in the Arkadelphia Firemen's Pension and Relief Fund for disbursement according to its terms. (Ord. No.O-93-2, Sec. 5.)

7.20.06 Interest All interest earned by the Firemen's Pension and Relief Fund including interest on half of the annual fees set out herein shall be deposited in said fund for disbursement according to its terms. (Ord. No. O-93-2, Sec. 6.)

7.20.07 Records The Fire Chief shall keep and maintain a record of dwellings and businesses afforded protection under this ordinance and no call outside the limits of the city shall be answered unless the provisions of this article had been previously complied with. (Ord. No. 0-93-2, Sec. 7.)

7.20.08 Discretionary action If in the discretion of the Fire Chief there is an immediate and present danger of loss of life resulting from a fire, then the requirements of this article shall be suspended for the period of such emergency. (Ord. No. 0-93-2, Sec. 8.)

CHAPTER 7.24

[Reserved]

CHAPTER 7.28

NOISE

Sections:

7.28.01 Unlawful noises
7.28.02 Noises in violation
7.28.03 Amplifiers
7.28.04 Fine

7.28.01 Unlawful noises It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city. (Ord. No. 123, Sec. 1.)

7.28.02 Noises in violation The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

A. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

B. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

C. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.

D. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

E. The use of mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes. (Ord. No. 123, Sec. 2.)

7.28.03 Amplifiers None of the terms or prohibitions of Section A shall apply to the reasonable use of amplifiers or loud speakers in the course of public addresses which are non-commercial in character. (Ord. No. 123, Sec. 3.)

7.28.04 Fine Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and shall upon conviction be fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) for each offense. (Ord. No. B-509, Sec. 1.)

CHAPTER 7.32

SMOKING PROHIBITED IN ARKADELPHIA BUILDINGS AND VEHICLES

Sections:

7.32.01 Smoking is prohibited
7.32.02 Fine
7.32.03 Definitions

7.32.01 Smoking is prohibited Smoking in buildings owned by or leased by the city of Arkadelphia, Arkansas, and vehicles owned by or leased by the city of Arkadelphia, Arkansas, is hereby prohibited. (Ord. No. O-95-4, Sec. 1.)

7.32.02 Fine A fine not to exceed Fifty Dollars ($50.00) will be levied against violators of this ordinance. (Ord. No. O-95-4, Sec. 2.)

7.32.03 Definitions

A. The term buildings owned or leased by the city of Arkadelphia, Arkansas, and vehicles owned or leased by the city of Arkadelphia, Arkansas, shall be those structures and vehicles owned or leased by the city of Arkadelphia, Arkansas, and occupied by Arkadelphia city employees, regardless of whether they are used by the public or not.

B. The term “smoking” shall mean a lighted cigar, cigarette, pipe, or other lit tobacco product and the use of any tobacco product, be it chewed, dipped or in any way placed in direct contact with the mouth.

C. Arkadelphia, Arkansas City Department Heads or the City Manager may designate certain areas on property owned by the city of Arkadelphia, Arkansas, where city employees may smoke. These areas shall be at least fifty (50) feet from any city owned or leased building and will not be near the front door or main entrance of the building being used by city employees. (Ord. No.O-95-4, Sec. 3.)

CHAPTER 7.36

TREE CITY USA

Sections:

7.36.01	Established
7.36.02	Terms
7.36.03	Compensation
7.36.04	Meetings
7.36.05	Duties
7.36.06	Planting trees

7.36.01 Established There is hereby created and established a Tree City USA Advisory Committee (Committee) for the city of Arkadelphia which shall consist of four (4) members who shall be appointed by the City Manager with the approval of the City Board. (Ord. No. O-07-2, Sec. 1.)

7.36.02 Terms The term of the persons to be appointed by the City Manager shall be three (3) years except that the term of the members appointed to the first Committee shall be for only one (1) year and the term of two (2) of the members shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. No.O-07-2, Sec. 2.)

7.36.03 Compensation Members of the Committee shall serve without compensation. (Ord. No. 0-2007-2, Sec. 3.)

7.36.04 Meetings The Committee shall hold regular meetings and may call special meetings if necessary to carry out its duties. Minutes of the meetings shall be kept on file in the office of the City Clerk. (Ord. No. O-07-2, Sec. 4.)

7.36.05 Duties The responsibility of the Committee shall be to study, investigate, consult, develop, update annually, and administer a written plan of the care, preservation, pruning, planting, or removal of trees and shrubs in parks, along streets, and in other public areas. Such plans will be presented annually to the city of Arkadelphia Board of Directors and upon their acceptance and approval shall constitute the official comprehensive tree management plan. (Ord. No.O-07-2, Sec. 5.)

7.36.06 Planting trees The Committee will encourage and foster the planting of trees and other vegetation for the beautification of the city of Arkadelphia, and disseminate information to the public concerning proper care and selection of trees. (Ord. No.O-07-2, Sec. 6.)

CHAPTER 7.40

ALCOHOLIC BEVERAGE PERMIT

Sections:

7.40.01 Hotel and restaurant permit
7.40.02 Private club permit
7.40.03 Retail liquor permit
7.40.04 Retail beer permit
7.40.05 Microbrewery-restaurants permit
7.40.06 Permit issuance and form

7.40.01 Hotel and restaurant permit Hotel and Restaurant Alcoholic Beverage Permit (on- premise consumption – mixed drink).

A. Permit application and fee In addition to the permit fee levied by the state of Arkansas, the city of Arkadelphia hereby levies the following fees on applicants for permits for on-premises consumption of alcoholic beverages (Hotel and Restaurant Alcoholic Beverage Permit) pursuant to the terms of Act 132 of 1969, as amended
(A.C.A. 3-9-214) to wit:

1. Hotels having fewer than 100 rooms - $500.00.

2. Hotels having 100 or more room - $1,000.00.

3. Restaurants having a seating capacity of less than 100 persons - $500.00.

4. Restaurants having a seating capacity of 100 or more - $1,000.00.

5. Large attendance facility (A.C.A. 3-9-227) - $1,000.00.

B. Annual permit An annual renewal fee in the amount provided in Section A (1) hereof shall be paid to the city of Arkadelphia on or before June 30 of each calendar year for the next permit year beginning July 1.

C. Half-year permit The fee for a new permit issued between January 1 and July 1 shall be one-half (½) of the amount specified in Section A(1) hereof.

D. Beer and wine permit Any permit issued pursuant to this section shall include authority to sell beer and native and imported wine as authorized by A.C.A. 3-9-211.

E. Supplement tax In addition to the permit fees as set forth in Section A (1) hereof,

the city of Arkadelphia hereby levies a supplemental tax of ten percent (10%) upon the gross proceeds or gross revenues from all sales of alcoholic beverages made pursuant to the terms of Act 132 of 1969, as amended (A.C.A. 3-9-214). Said supplemental tax shall be reported and paid to the city of Arkadelphia at the same time as the gross receipts tax under the Gross Receipts Tax Act of 1941, as amended. (Ord. No. O-11-4, Sec. 1.)

7.40.02 Private club permit Private Club Alcoholic Beverage Permit (on-premises consumption – mixed drink)

A. Annual permit The city of Arkadelphia hereby levies an annual permit fee on all fraternal, social or otherwise private clubs as defined in A.C.A. 3-9-202(10) and as licensed by the Alcoholic Beverage Control Division to dispense alcoholic beverages for on-premises consumption (Private Club Alcoholic Beverage Permit) pursuant to the terms of Act 132 of 1969, as amended (A.C.A. 3-9-223) in an amount of Two Hundred Fifty Dollars ($250.00) per year. Said permit shall be renewed with the city of Arkadelphia on or before July 1 of each year, provided that any new permit issued between January 1 and July 1 of any year shall be One Hundred Twenty-Five Dollars ($125.00).

B. Supplemental tax In addition to the permit fee as set forth in 7.32.02 (A) hereof, a supplemental tax of five percent (5%) is hereby imposed on the gross proceeds or gross receipts derived by such private clubs by charges to members for the preparation and serving of such alcoholic beverage, or for the cooling and serving of such beer and wine, drawn from the private stocks of such members for consumption on premises where served. Said supplemental tax shall be reported to the city of Arkadelphia and paid in the same manner and at the same time as the gross receipts tax under the Gross Receipts Tax Act of 1941 as amended. (Ord. No. O-11-4, Sec. 2.)

7.40.03 Retail liquor permit Retail Liquor Alcoholic Beverage Permit (Off-premises consumption). In addition to the permit fee levied by the state of Arkansas, for the privilege of operating a dispensary from which vinous, spirituous, and malt liquors, except wine, are to be sold and dispensed at retail for consumption off-premises (Retail Liquor Alcoholic Beverage Permit), there is hereby assessed and there shall be paid to the city of Arkadelphia a permit fee, in the sum of Four Hundred Twenty-Five Dollars ($425.00) per annum payable on or before June 30 of each calendar year for the fiscal year beginning July 1. (A.C.A. 3-4-202, 3-4-604). (Ord. No. O-11-4, Sec. 3.)

7.40.04 Retail beer permit Retail Beer Alcoholic Beverage Permit (Off-premise and on-premise consumption).

A. Permit required Before any person shall be authorized to offer for sale at retail the liquors as defined in A.C.A. Title 3, Subchapter 5 (beer and light wine), he shall apply to and secure from the City Clerk a Retail Beer Alcoholic Beverage Permit. A permit shall not be granted or issued until the retailer exhibits a state

permit granted or issued to him by the Alcoholic Beverage Control Division. The state permit shall be prima facie evidence of the retailer's right to apply for and purchase a city permit, and it shall be unlawful for the City Clerk to refuse to issue the permit upon proper application by the retailer.

B. Permit fee The City Clerk shall charge the following permit fee:

1. A sum not in excess of Fifteen Dollars ($15.00) for a retailer whose total gross annual sales shall not exceed One Thousand Dollars ($1,000.00);

2. A sum not in excess of Twenty Dollars ($20.00) for retailers whose gross annual sales shall not be in excess of Two Thousand Dollars ($2,000.00); or

3. A sum of Twenty Dollars ($20.00) plus an additional Five Dollars ($5.00) for each One Thousand Dollars ($1,000.00) gross annual business in excess of Two Thousand Dollars ($2,000.00) for retailers whose total gross annual sales exceed Two Thousand Dollars ($2,000.00).

4. A new applicant shall pay a fee of Forty Dollars ($40.00) for the initial permit to expire June 30 of the year issued.

Permit fees shall be due and payable for each place where the business of a retail dealer is carried on. Permit fees shall become due and payable on or before June 30 of each calendar year for the fiscal year beginning July 1.

C. Proper fee required Whenever it shall appear to the City Clerk that a retail dealer has secured a permit for Fifteen Dollars ($15.00) when a larger amount should have been paid therefore, he shall require the payment of the difference or cancel the permit.

D. Violation notification The City Clerk or his designee charged with the duty of collecting the license fees shall notify the Director of the Alcoholic Beverage Control Division of the identity of retailers failing to comply with the provisions of this section. The Director shall then notify wholesale dealers to discontinue sales to delinquent retailers. When the license fee is paid, the City Clerk shall notify the Director of the Alcoholic Beverage Control Division that the retailer has paid the fee. The director shall notify wholesalers to resume sales to the retailers. Any wholesaler who continues to sell to a retailer after notification from the director to discontinue sales shall be subject upon conviction in the Clark County District Court, or any other court of competent jurisdiction, to such fines and penalties as established by the general penalty clause for the Arkadelphia Code of Ordinances as may now or hereafter be enacted by the Arkadelphia Board of Directors. (Ord. No. O-11-4, Sec. 4.)

7.40.05 Microbrewery-restaurants permit Microbrewery-Restaurants Alcoholic Beverage Permit (On-premise consumption - beer). In addition to the permit fees levied by the state of Arkansas, any person, firm or corporation licensed by the Alcoholic Beverage Control Division as a microbrewery-restaurant shall be issued a Microbrewery-Restaurants Alcoholic Beverage Permit by the City Clerk and shall pay a retail beer permit fee in the same manner as a restaurant for consumption on the licensed premises (A.C.A. 3-5-1205). (Ord. No. O-11-4, Sec. 5.)

7.40.06 Permit issuance and form Upon payment of the required permit fee(s), the City Clerk or his designee shall issue an alcoholic beverage permit of the type(s) required herein in a form to be prescribed by the City Clerk. Alcoholic beverage permits shall be effective for a fiscal year of July 1 through June 30 and must be renewed annually before June 30 for the year beginning July 1. The permit for any new applicant which may be approved during any fiscal year (partial year) shall expire June 30 regardless of the date issued.

Alcoholic beverage permit(s) shall be displayed in a conspicuous place. Alcoholic beverage permits are not transferable. Any person, firm or corporation to which an alcoholic beverage permit has been issued shall comply with all applicable laws and regulations of the state of Arkansas, the Alcoholic Beverage Control Division and the city of Arkadelphia. Alcoholic beverage permits may be revoked or suspended as authorized by law. (Ord. No. O-11-4, Sec. 6.)

CHAPTER 7.44

CEMETERIES AND GRAVES

Sections:

7.44.01 Depth of graves
7.44.02 Loitering in cemetery prohibited
7.44.03 Despoiling grave prohibited
7.44.04 Use of private grounds for burial prohibited; penalty

7.44.01 Depth of graves All graves of adults buried within the limits of the city in any cemetery over which the city has jurisdiction shall be dug to a depth of not less than five (5) feet, and those of children not less than four (4) feet. (1949 Digest of Ords., § 4-2)

7.44.02 Despoiling grave prohibited Any person who shall despoil a grave in any cemetery or burying ground within the limits of the city of flowers, vases or other articles placed on or about such grave, or who shall deface or mutilate any grave or gravestone, or monument in any burial place, shall be punished as provided in section 1.32.01 of this Code. (1949 Digest of Ords., § 4-1)

7.44.03 Loitering in cemetery prohibited It shall be unlawful between the hours of sunset and sunup for any person to loiter within the grounds of Rose Hill Cemetery or to drive or park an automobile or other vehicle within said grounds; provided however, that this section shall not apply to caretakers and other persons who may enter said cemetery on necessary business connected therewith, nor to persons paying bona fide visits to graves out of respect to the dead. (1949 Digest of Ords., § 4-10)

7.44.04 Use of private grounds for burial prohibited; penalty It shall be unlawful to use private grounds as a place of burial and any person doing so shall, upon conviction thereof, be punished as provided in section 1.32.01 of this Code. (1949 Digest of Ords., § 4-4)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

8.04 Traffic Laws
8.08 Emergency Vehicles
8.12 Parking Lots
8.16 Street Names
8.20 Jake Braking
8.24 Off-Street Parking
8.28 Parking Meters

CHAPTER 8.04

TRAFFIC LAWS

Sections:

8.04.01 Prohibitions

8.04.01 Prohibitions

A. No person shall drive any vehicle in the city of Arkadelphia at a speed greater than twenty-five (25) miles per hour, provided, in school zones and business districts which shall be designated by appropriate signs, and in turning corners, the speed limit shall be fifteen (15) miles per hour. Notwithstanding the specific speed limits set out herein, no person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing.

B. It shall be unlawful to pass any stop sign without first coming to a complete stop.

C. In all streets in which parking lines are marked, vehicles shall be parked only within the spaces marked by such lines and no part of such vehicle shall extend out into the street beyond the lines enclosing such spaces. No truck with trailer attached or mounted and no vehicle with a greater overall length than eighteen (18) feet shall be parked in any zone where angle parking is permitted.

D. No vehicle shall be parked or driven on any sidewalk or parked in any street or alley in such position as to obstruct the path of pedestrians using any sidewalk or within fifteen (15) feet of any fireplug or at any place where parking is prohibited by legal authority which places shall be designated by painting the curb red and by appropriate signs where practicable.

E. It shall be unlawful to double park on any public street.

F. It shall be unlawful to park any vehicle in a public street for the purpose of loading or unloading such vehicle where an alley is accessible for this purpose.

G. It shall be unlawful to leave any unattended vehicle parked in an alley or to block an alley for more than fifteen (15) minutes.

H. It shall be unlawful to make a U-turn at any street intersection where the same is prohibited by appropriate signs.

I. It shall be unlawful to park any vehicle for a longer period of time than is indicated by signs appropriately placed on any public street in areas which may now or hereafter be designated as limited parking areas.

J. No person shall place, maintain or display upon or in view of any public street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device.

K. Any person who is given a warning ticket by any public officer for traffic law violation and who willfully fails to appear in court as warned in said ticket shall be deemed guilty of a misdemeanor in addition to the charge named in said ticket.

L. At all intersections where yellow flash signals are installed, drivers of vehicles may proceed through the intersection or past such signals only with caution.

M. It shall be unlawful for any person to use any iron-tired vehicles on any pavement within the city.

N. It shall be unlawful for any vehicle upon which there are metal cleats or other protuberances to use the pavement unless provided with some suitable track or trackage.

O. It shall be unlawful for any person to drive or run an automobile within the limits of the city with a muffler cutout.

P. It shall be unlawful for any person to use any vehicle hauling gravel, stone, or other hard particles over or upon said pavements unless said vehicle be provided

with a tight body so that contents of same shall not drop or be wasted upon the pavement.

Q. It is hereby made unlawful in any event, whether with or without an alarm bell, or whether or not the rider may dismount and take his wheel off of such sidewalks on meeting another, for any person to ride a bicycle, tricycle, or other wheel used for riding thereon, on any sidewalk within the boundaries of the Central Business District of the city.

R. It is hereby declared to be the intention herein that no part of this ordinance is to be construed as being in conflict with any statute of the state of Arkansas, but all provisions hereof are intended to harmonize with said statutes and to be cumulative to previous ordinances not in conflict herewith; all parts of said statutes applicable to the purposes herein are hereby adopted and incorporated by reference herein and made a part of the traffic laws of Arkadelphia and all previous ordinances in conflict herewith are hereby repealed.

S. The Street and Alley Committee of this Board is hereby empowered to designate, when the same shall in their opinions, be required by public safety and convenience, the following matters:

1. Areas for no parking or restricted parking.

2. Intersections and other places for installation of stop signs, caution signals, no U-turns, or other traffic control devices.

3. Boundaries of school zones and business districts for the purposes of this ordinance. (Ord. No. 97, Sees. 1-14)

CHAPTER 8.08

EMERGENCY VEHICLES

Sections:

8.08.01 Right-of-way
8.08.02 Following prohibited
8.08.03 Restriction of vehicular traffic
8.08.04 Strict enforcement
8.08.05 Exempt personnel
8.08.06 Fine

8.08.01 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.

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

8.08.03 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.

8.08.04 Strict enforcement The provisions hereof shall be strictly enforced by members of the Police Department.

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

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

8.08.06 Fine 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 8.12

PARKING LOTS

Sections:

8.12.01	Permit required
8.12.02	Landscaped area
8.12.03	Site plan
8.12.04	Parking lots shall be reviewed
8.12.05	Lots must comply with Land Use Ordinance
8.12.06	Application to all zones
8.12.07	Fees
8.12.08	Defined
8.12.09	Violation
8.12.010	City Engineer will review all plans

8.12.01 Permit required From and after the passage of this ordinance any contractor, business, or person who desires to construct any vehicular parking lot in any zone shall apply to the city of Arkadelphia, Arkansas for a permit. (Ord. No. O-14-4)

8.12.02 Landscaped area Every parking lot of five thousand (5,000) square feet or more shall have a 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 excluding the driveway cuts. 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 in any zone shall be placed in the public right-of-way without prior approval from the city and if approved future construction may require landscaping to be removed by the property owner and rebuilt at property owner's expense. (Ord. No. O-95-11, Sec. 2.)

8.12.03 Site plan Proposed parking lots of five thousand (5,000) square feet or more and additions to an existing parking lot that will result in a total of five thousand (5,000) square feet or more shall be accompanied by a "Site Plan" prepared by a professional engineer showing grades, drainage control, one-foot contours, ingress, egress, comply with master street plan, curbing on sides of lots abutting streets, and landscaping areas. Proper drainage shall be provided and drainage shall not be obstructed in any manner. (Ord. No. O-95-11, Sec. 3.)

8.12.04 Parking lots shall be reviewed Parking lots of less than five thousand (5,000) square feet shall be reviewed prior to issuance of a permit. These lots must provide proper drainage, not obstruct drainage in any manner, and must comply with the master street plan, including adequate ingress and egress with curbing on the sides of lots abutting streets. (Ord. No. O-95-11, Sec. 4.)

8.12.05 Lots must comply with Land Use Ordinance All parking lots must comply with

the revised Land Use Ordinance B-425 as amended. (Ord. No. O-95-11, Sec. 5.)

8.12.06 Application to all zones This ordinance shall apply to all zones in the city of Arkadelphia, Arkansas, except R-1 single family zone areas where the property is used for only a single family dwelling and no home occupation exists therein. (Ord. No. O-95-11, Sec. 6.)

8.12.07 Fees The fee for 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 fee for the parking lot. (Ord. No. O-95-11, Sec. 7.)

8.12.08 Defined Landscaping is defined as lawn grass, shrubs, and trees. (Ord. No. O-95-11, Sec. 8.)

8.12.09 Violation 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. O-95-11, Sec. 9.)

8.12.010 City Engineer will review all plans The City Engineer will review all parking lot plans and approve said plans, if in compliance with this ordinance, before a permit will be issued. Appeals of the Engineer's decision may be to the City Planning Commission and then to the City Board of Directors. (Ord. No. O-95-11, Sec. 10.)

CHAPTER 8.16

STREET NAMES

Sections:

8.16.01 Street names
8.16.02 Copies
8.16.03 Amending by ordinance
8.16.04 Re-naming streets

8.16.01 Street names Arkadelphia street names are hereby adopted as listed on the attached map title Arkadelphia, Arkansas Street Name Map dated January 2011. (Ord. No. O-11-5, Sec. 1.)

8.16.02 Copies Three (3) copies of said map shall be kept by the City Clerk for public

review. (Ord. No. O-11-5, Sec. 2.)

8.16.03 Amending by Ordinance The names of all public ways in the City of Arkadelphia, Arkansas as shown on the said map shall be the official names of the public ways until and unless the said names are officially changed specifically by ordinance. (Ord. No. 155, Sec. 2.)

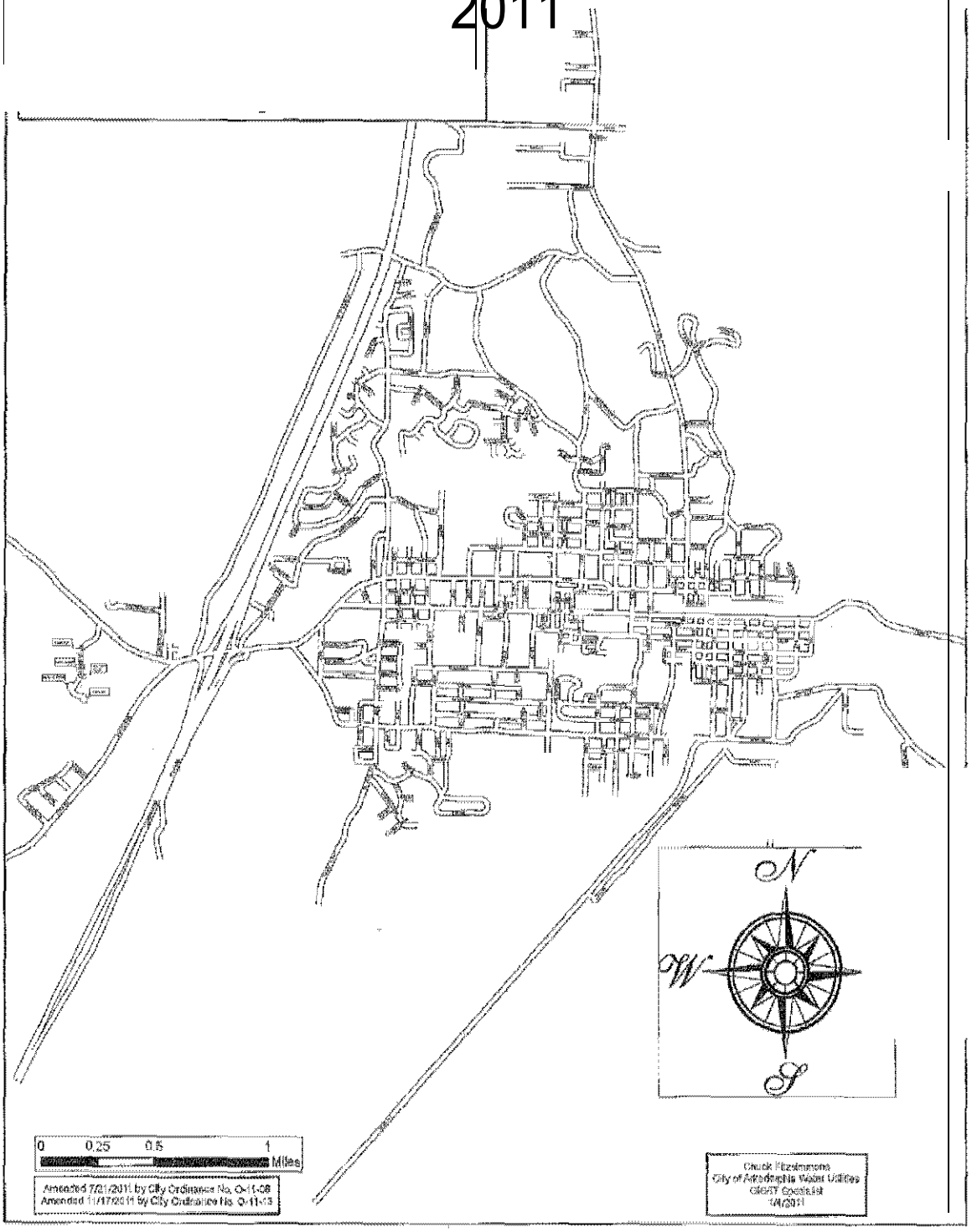
8.16.04 Approval No new public ways shall be accepted by the City of Arkadelphia until the same are designated by names and such names approved by the Board of Directors. If any additional public way is a continuation of an existing public way, the existing name shall be used for the continuation; and a newly proposed public way is not a continuation of an existing public way, the name assigned thereto shall not duplicate the name of an existing public way, so closely similar to the same as to be confusing. (Ord. No. 155, Sec. 3.)

8.16.05 Naming Plan Unless otherwise determined by the Board of Directors for good cause, all North-South public ways shall be designated as numbered streets, and all East-West public ways shall be designated as named streets. Curving public ways or ways with changing directions may be called Roads, Drives, or Places, with designated names. (Ord. No. 155, Sec. 4.)

8.16.06 Re-naming streets

Ord. No. O-11-6	North Peake St. shall be named Holmes St. School St. shall be named North Peake St.
Ord. No. O-11-13	Duplicate south 100 block of South 15th St. shall be named South 15th Court

City of Arkadelphia Street Names, January 2011



CHAPTER 8.20

JAKE BRAKING

Sections:

8.20.01 Unlawful
8.20.02 Fine
8.20.03 Enforcement

8.20.01 Unlawful It shall be unlawful for the driver of any truck to use or operate or cause to be used or operated within the city of Arkadelphia, Arkansas, any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any truck which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise engage in "Jake Braking." It is an affirmative defense to a violation of this ordinance that motor braking was used on an emergency basis to avoid damage to property or to avoid personal injury. (Ord. No. O-04- 2, Sec. 1.)

8.20.02 Fine Any person violating this ordinance shall be guilty of a misdemeanor upon conviction hereof and shall pay a fine not exceeding Three Hundred Dollars ($300.00) for each offense. Each time a person uses the motor brake or what is known as "Jake Braking" shall be considered a separate offense. (Ord. No. O-04-2, Sec. 2.)

8.20.03 Enforcement Enforcement of this ordinance shall be delayed until signs have been posted on all U.S. or state highways entering the city of Arkadelphia. Said signs shall be posted on or near said highways stating in language similar to

"No Jake-Braking by Order of Ord. No. O-04-2"

CHAPTER 8.24

OFF-STREET PARKING

Sections:

8.24.01	Declaration of policy
8.24.02	Definition of parking facilities
8.24.03	Creation of parking authority
8.24.04	Authority to establish parking facilities
8.24.05	Planning for parking facilities
8.24.06	Design of parking facilities
8.24.07	Financing of parking facilities
8.24.08	Acquisitions of property and property rights
8.24.09	Construction of parking facilities
8.24.010	Records and reporting
8.24.011	Fiscal and contractual

8.24.01 Declaration of policy The Board of Directors of the city of Arkadelphia, Arkansas, hereby determines and declares that excessive curb parking of motor vehicles on roads and streets within the city of Arkadelphia and the lack of adequate off-street parking facilities create congestion, obstruct and free circulation of traffic, diminish property values and endanger the health, safety and general welfare of the citizens of the city of Arkadelphia that the provision of conveniently located public off-street automobile parking facilities is therefore necessary to alleviate such conditions. (Ord. No. B-274, Sec. 1)

8.24.02 Definition of parking facilities For the purpose of this ordinance, public off-street automobile parking facilities are defined as accommodations procured or provided or both, by public authority for the parking of motor vehicles off the street or highway and open to public use with or without charge.

Parking facilities may consist of lots, garages or other structures and accessories; they may be surfaced facilities or facilities above or below the ground. (Ord. No. B-274, Sec. 2)

8.24.03Creation of parking authority There is hereby created an Arkadelphia Municipal Parking Authority for the purpose of establishing, operating or causing to be operated, public off-street automobile parking facilities. The parking authority shall consist of five (5) members and shall be appointed by the City Manager and approved by the City Board of Directors. Said members shall be qualified electors residing within the city and cannot hold any elective office of the city, county or state. The members of the authority shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively so that the term of one member shall expire each year after the creation of this authority. Upon the termination of office of each member, his successor shall be appointed in like manner for a term of five (5) years and shall serve until his successor shall have been appointed and qualified. The members

of the authority shall receive no compensation for their services. (Ord. No. B-274, Sec. 3)

8.24.04 Authority to establish parking facilities The Parking Authority herein created shall have joint jurisdiction with the Board of Directors of the city of Arkadelphia, Arkansas, in the planning, designation, location and financing of parking facilities and the concurrence of the said Board of Directors of the city of Arkadelphia, Arkansas, shall be required before the parking authority shall proceed to execute, accomplish, fulfill or pursue the establishment of any parking facility. The Parking Authority, subject to the concurrence and approval of the Board of Directors of the city of Arkadelphia, Arkansas, may act alone or in cooperation with other parking facilities, or with any federal, state or other local public agency in the financing, acquisition and ownership of property, construction, alteration, enlargement, use, maintenance and operation of leasing out for operation of parking facilities and services to the extent that such facilities and services are concurred in by the Board of Directors of the city of Arkadelphia, Arkansas.

The Parking Authority and the Board of Directors of the city of Arkadelphia, Arkansas, shall designate the location, size and general specifications for needed parking facilities and make same known to the public. It is the intent of the city of Arkadelphia and the Parking Authority that all such facilities as are needed shall be owned and operated by private citizens or entities. If, however, private citizens or entities fail, within a reasonable period of time as fixed by the Board of Directors, to provide and operate such facilities as the Parking Authority and the Board of Directors of the city of Arkadelphia, Arkansas, prescribe, then the parking facilities, with the approval of the Board of Directors of the city of Arkadelphia, Arkansas, may be owned, operated, leased out, or sold or any combination thereof by the Parking Authority. (Ord. No. B- 274, Sec. 4)

8.24.05 Planning for parking facilities The Parking Authority shall cooperate with other planning agencies for the formulation of a master plan and may adopt a master plan for automobile parking facilities as a guide for the future provision of parking facilities, properly integrated with present and proposed parking facilities, subject to alteration as necessary and including a program of construction and method of financing. (Ord. No. B-274, Sec. 5)

8.24.06 Design of parking facilities The Parking Authority is hereby authorized to so design and locate off-street parking facilities as to best serve the public purpose for which such facilities are intended. Such facilities may consist of lots, improved or unimproved; single or multi-level garages; other structures and accessories. (Ord. No. B-274, Sec. 6)

8.24.07 Financing of parking facilities After the master plan of parking facilities has been adopted by the Authority, such facilities, when approved as provided in Section 8.24.04 hereof, may be financed by the issuance of revenue bonds in accordance with the authority granted by Act 468 of the 1949 Acts of the Arkansas General Assembly. (Ord. No. B-274, Sec. 7)

8.24.08 Acquisition of property and property rights For the purpose of this ordinance, the parking authority is hereby authorized to acquire or public, real or personal property and property rights, above, at or below the surface of the earth necessary for off-street parking facilities by purchase, eminent domain, gift, lease or otherwise. (Ord. No. B-274, Sec. 8)

8.24.09 Construction of parking facilities The parking authority is hereby authorized to construct or cause to be constructed or otherwise acquire public off-street parking facilities above, at or below the surface of the earth, including buildings, structures, equipment, entrances, exits, fencing and other accessories necessary for the safety or convenience of persons using the facilities. The contracts for any of the above are to be awarded to the lowest responsible bidder in the same manner as contracts are now authorized by law. (Ord. No. B-274, Sec. 9)

8.24.010 Records and reporting The parking authority shall maintain proper accounting and financial records of all transactions and provide and file an annual financial statement with the City Board of Directors. (Ord. No. B-274, Sec. 10)

8.24.011 Fiscal and contractual Nothing herein shall be construed as giving the Parking Authority herein created any power to bind the city of Arkadelphia, Arkansas, to any contract or other obligation without the prior written consent of the City Board of Directors. Further, the said Parking Authority shall have no power to pledge or otherwise obligate the general revenues of the city of Arkadelphia, Arkansas. (Ord. No. B-274, Sec. 11)

CHAPTER 8.28

PARKING METERS

Sections:

8.28.01 Definition
8.28.02 Authorization to designate zones
8.28.03 Installation, maintenance, and construction of meters
8.28.04 Manner of parking next to meter; use of meters; overtime parking
8.28.05 Parking to be in spaces
8.28.06 Limitation on parking time
8.28.07 Impounding of vehicles
8.28.08 Use of slugs, etc.
8.28.09 Tampering with, damaging, destroying meters
8.28.010 Penalty for violating sections 8.28.08, 8.28.09
8.28.011 Tag numbers of vehicles to be taken

8.28.01 Definition The word "vehicle" as used in this division shall mean any device by which any person or property may be transported upon a street or highway, except those operating upon rails or tracks. (Ord. No. 115, § 1, 1-3-50)

8.28.02 Authorization to designate zones The city manager and the board of directors are hereby empowered and authorized to designate any streets or portions of streets as parking meter zones in which parking meters shall be installed and to change the limits of said parking meter zones from time to time by increasing or diminishing the same in accordance with the requirements

of the public safety and convenience. (Ord. No. 115, § 2, 1-3-50)

8.28.03 Installation, maintenance, and construction of meters The city manager and board of directors shall provide for the installation of parking meters, including curb or street marking lines, regulation and operation thereof and shall maintain said meters in good workable condition. Meters shall be placed upon the curb next to individual parking places and shall be so constructed as to display a signal showing legal parking upon deposit of the proper coin or coins of the United States, as indicated by instructions on said meters, for a period of time conforming to the parking limits of the city, said signal to remain in evidence until expiration of the parking period so designated, at which time, a dropping of the signal or some other mechanical operation shall indicate expiration of said parking period. (Ord. No. 115, § 6, 1-3-50)

8.28.04 Manner of parking next to meter; use of meters; overtime parking When any vehicle shall be parked next to a parking meter, the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated by lines for parallel, angle or right angle parking, and upon entering said parking space shall immediately deposit in said meter a coin or coins of the United States for the desired parking limit.

A It shall be unlawful for any person to fail or neglect to deposit the proper coin or coins, or to fail to park within the designated area. Said parking space may then be used by such vehicle during the legal parking limit provided for hereafter, and said vehicle shall be considered as unlawfully parked if it remains in said space beyond the legal limit, or when the parking meter displays a signal showing an illegal limit. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as set out in this section. (Ord. No. 115, § 7, 1-3-50)

8.28.05 Parking to be in spaces It shall be unlawful for any person to park any vehicle at any place on the streets, alley, or in any place within the parking meter zones as herein described, except for legitimate loading and unloading purposes, unless such vehicle is in the space designated by lines and meters. (Ord. No. 115, § 8, 1-3-50)

8.28.06 Limitation on parking time In no event shall a vehicle remain parked for over two (2) hours where a parking meter is located.

8.28.07 Impounding of vehicles The chief of police and all traffic officers of the city may in any case, and shall in all cases of persistent violators of parking regulations, when any vehicle is found parked at any place other than that designated for parking, or when the proper coin has not been deposited in the parking meter, or when a vehicle is parked overtime, proceed to impound such vehicle and may employ a towing truck to tow the vehicle so found unlawfully parked to a place of impounding, and the owner or operator thereof shall pay such towing charge in addition to the fine for such violation. (Ord. No. 115, § 8, 1-3-50)

8.28.08 Use of slugs, etc. It shall be unlawful to deposit or cause to be deposited in any parking meter, any slug, device or metallic substance for a coin of the United States. (Ord. No. 115, § 9, 1-3-50)

8.28.09 Tampering with, damaging, destroying meters It shall be unlawful for any person to tamper with, open, willfully break or destroy any parking meter. (Ord. No. 115, § 10, 1-3-50)

8.28.010 Penalty for violating sections 8.28.08, 8.28.09 Any person who shall violate or assist in the violation of section 8.28.08 or section 8.28.09 shall upon conviction be fined not more than five hundred dollars ($500.00) and costs. (Ord. No. 115, § 13, 1-3-50)

8.28.011 Tag numbers of vehicles to be taken It shall be the duty of the chief of police and all traffic officers to take the parking meter number and state license tag number of all persons violating the provisions of this article. (Ord. No. 115, § 11, 1-3-50)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

9.04 In General
9.08 Master Street Plan
9.12 Street and Storm Drainage Improvements
9.16 Numbering Property
9.20 Street Obstruction
9.24 Illegal Street Activities
9.28 Excavations

CHAPTER 9.04

IN GENERAL

Sections:

9.04.01 Permit required to construct sidewalk
9.04.02 Property owner may be required to construct, maintain sidewalks
9.04.03 Failure of owner to construct sidewalk; construction by city; creation and enforcement of lien
9.04.04 Designation of new public ways
9.04.05 Designation of public ways as "streets," "avenues," "roads," "drives," etc.
9.04.06 Driving on new street prohibited
9.04.07 Gutter pipes to extend to ground
9.04.08 Gutters to be kept clean and free of obstructions
9.04.09 Notice to remove
9.04.010 Failure to remove; removal by city, collection of costs

9.04.01 Permit required to construct sidewalk It shall be unlawful for any person to build or repair side- walks abutting on the streets or public square in the city without first obtaining a written permit from the board of directors of the city designating the grade, the kind of side-walk and the material to be used. (1949 Digest of Ords.,§ 13-108)

9.04.02 Property owner may be required to construct, maintain sidewalks All owners of property abutting on the streets or public squares of the city shall build, maintain and keep repaired concrete sidewalks therealong. (1949 Digest of Ords., § 13-110)

9.04.03 Failure of owner to construct sidewalk; construction by city; creation and

enforcement of lien If the owner of any property shall fail or refuse to comply with the provisions of section 9.04.02 in the manner specified and within ninety (90) days after the notice is served or shall not show good cause as to why he has failed to comply, the city will contract with some suitable person for the construction, reconstruction or repair of the sidewalk and will pay said person for constructing, reconstructing or repairing the same, and the amount so paid by the city together with a six percent (6%) penalty :added thereto, shall constitute a charge against the owner of the property, and shall be a lien on said property from the date of the commencement of said work, said charge and lien to be assignable by the city or its assignee, or said lien to be foreclosed by the city or assignee by suit in equity in the courts having jurisdiction of suits for the enforcement of liens upon real property, for the condemnation and sale of said property for the payment of sums so paid by the city, together with the interest, penalty and costs of suits, said suit in equity to be brought in the manner and under the terms now provided by law for the foreclosure of property. (1949 Digest of Ords., § 13-110)

9.04.04 Designation of new public ways No new public ways shall be accepted by the city until the same re designated by names and such names approved by the board of directors. If any additional public way is a continuation of an existing public way, the existing name shall be used for the continuation; and if a newly proposed public way is not a continuation of an existing public way, the name assigned thereto shall not duplicate the name of an existing public way, or be so closely similar to the same as to be confusing. (Ord. No . 155, § 3, 1-9-58)

9.04.05 Designation of public ways as “streets,” “avenues,” “roads,” “drives,” etc. Unless otherwise determined by the board of directors for good cause, all north-south public ways shall be designated as numbered streets, and all east-west public ways shall be designated as named streets. Curving public ways or ways with changing directions may be called roads, drives, or places, with designated names. (Ord. No. 155, § 4, 1-9-58)

9.04.06 Driving on new street prohibited It shall be unlawful for any person to drive any automobile, truck or any other vehicle upon new pavement in the city until the street is open for travel. (1949 Digest of Ords.,§ 13-26)

9.04.07 Gutter pipes to extend to ground All gutters or pipes conveying rainwater from houses projecting on any street or alley of the city shall be made to extend to the ground or pavement below . (1949 Digest of Ords., § 13-77)

9.04.08 Gutters to be kept clean and free of obstructions No person shall allow any dirt, filth or obstructions of any kind to accumulate in or about any gutter on his premises, but shall keep such places clean, free from trash, mud and all obstructions to the rapid flow of water. (1949 Digest of Ords., § 13-78)

9.04.09 Notice to remove The board of directors, when it shall come to its knowledge that any person has erected or caused to be erected any building, fence or other structure encroaching upon any street, alley or sidewalk or has permitted any article or thing whatsoever to encumber or obstruct any street, alley or sidewalk, shall notify in writing such person to remove the same, which notice shall give a reasonably sufficient time to perform such removal. (1949 Digest of Ords., §§ 13-60, 13-61, 13-66, 13-70)

9.04.010 Failure to remove; removal by city, collection of costs Any person notified to remove any encroachment or obstruction and failing to do so shall be guilty of a misdemeanor and the board of directors shall cause the same to be removed and the costs of such removal may be collected from the person causing such encroachment or obstruction together with the penalty provided in section 1.32.01 of this Code, or in a separate suit in the name of the city. (1949 Digest of Ords., §§ 13-61-13-63, 13-66, 13-70)

CHAPTER 9.08

MASTER STREET PLAN

Sections:

9.08.01 Master Street Plan

9.08.01 Master Street Plan The Revised Master Street Plan, dated October 1995, titled "Arkadelphia Master Street Plan 1995-2015", final draft dated January 5, 1996, for the city of Arkadelphia, Arkansas, which is before the meeting, be, and the same is adopted and shall hereafter be the Master Street Plan for the city of Arkadelphia, Arkansas. The Master Street Plan consists of forty-seven (47) pages, including nine (9) maps or figures and a table as well as a cover sheet and table of contents.

The City Clerk is directed to maintain three (3) complete copies of the said Master Street Plan on file in the office of the said City Clerk at all times for inspection by members of the public. (Ord. No. O-96-03, Ses. 1-2.)

CHAPTER 9.12

STREET AND STORM DRAINAGE IMPROVEMENTS

Sections:

9.12.01 General
9.12.02 Approval of plans and specifications
9.12.03 Design criteria

9.12.01 General The following Summary of Ord. No. 318 of the city of Arkadelphia, Arkansas, is intended to outline to the developer of an improvement district the requirements for street and storm drainage improvements within the area of jurisdiction of the city of Arkadelphia. Specific instructions and specifications for design and construction of improvements may be obtained from the city of Arkadelphia in the above referenced ordinance and the existing "Land Development Code" for the city of Arkadelphia.

9.12.02Approval of plans and specifications

A. Specifications Specifications shall be defined as collectively all of the terms and stipulations contained in the written portion of information furnished. Three (3) complete sets of specifications shall be submitted to the City Engineer by the owner or developer (hereinafter referred to as "Developer") prior to receiving contractor's bids on the proposed improvements. The main body of the specifications shall include such information and requirements as is necessary to produce and define a first class, workmanlike job. Attached to each of the three (3) copies of the specifications submitted shall be the soil analysis report of a reputable testing laboratory, if applicable.

B. Plan The plan shall be defined as collectively all of the drawings pertaining to the contract and made a part thereof and also such supplementary drawings as the engineer may issue from time to time in order to clarify the drawings, or for the purpose of showing changes in the work or for showing details not previously shown. Three (3) sets of complete plans shall be submitted to the City Engineer prior to receiving contractors' bids on the proposed improvements. The plan shall show the plan, profile, and cross-section of the proposed improvement and shall specifically show, by dimensions, alignment and right-of-way widths, the gradient and vertical curve data and shall indicate drainage structures as to location, size material and gradients.

C. City approval The City Engineer has the option to require of the Developer copies of all notes and calculations pertaining to any information or drawings contained in the plans and specifications. The City Engineer shall write a letter of approval for the plans and specifications when said plans and specifications

meet the requirements of the city and he shall return one (1) copy of the complete plans and specifications which shall bear the city's seal of approval. The City Engineer shall approve or disapprove these plans and specifications within ten (10) days or they are automatically approved.

9.12.03 Design criteria

A. Pavement thickness

1. Rigid pavements

Classification of streets	Balanced design with integral curb and gutter	Uniform thickness (inches) based on controlling wheel load plus impact
1	8	9
2	7	8
3	6	7
4	5	6

Above based on Subgrade modulus of one hundred three (103), three thousand pounds per square inch (3,000 psi) concrete @ twenty-eight (28) days, minimum working stress of two hundred seventy-five pounds per square inch (275 psi). For soils having a subgrade modulus of less than one hundred (100), pavement thickness shall be determined by tests and computations based upon test results, but in no case shall be less than five (5) inches.

2. Flexible pavements

Classification of streets	Total thickness (inches) of standard pavement
1	16
2	13
3	11
4	9

The above is based upon soils having an Hveem Stabilometer Resistance Value of twenty (20). For soils with an Hveem Stabilometer Resistance Value of less than twenty (20), the above standards shall not govern and total thickness shall be determined based upon test results. Pavement design for a soil with a value greater than twenty (20) may be modified, but in no case shall the total thickness be less than eight (8) inches.

B. Storm sewer

1. Use of the rational method is recommended.

2. Interceptor interval- not to exceed six hundred (600) feet.

3. Rainfall intensity four (4) inches per hour except in new subdivision when the intensity shall be based on time of concentration of at least a one (1) in ten (10) year expectancy or determined from local rainfall records.

4. Minimum design velocity two and a half (2.5) feet per second.

5. Maximum design velocity- should not exceed ten (10) feet per second.

Reference Title 11.44, Storm Water Management and Drainage.

C. Grades

1. Minor streets and cul-de-sacs.

   a. minimum grade 0.5%
   b. maximum grade 12.0%

2. All other streets - as set out in Comprehensive Plan.

D. Vertical alignment Crest and sag curves shall be designed based upon a minimum of a thirty (30) miles per hour site distance as a minimum except in short cul-de-sacs where twenty (20) miles per hour site distances may be used when approved by the City Engineer.

E. Intersections Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle less than seventy-five (75) degrees. Detailed designs of intersections may be required.

F. Property line radius Property line radius at street intersections shall not be less than twenty-five (25) feet and where the angle of street intersection is less than ninety
(90) degrees, the Commission may require a greater radius.

G. Curb line radius Curb line radius at street intersections shall be at least twenty-five
(25) feet and where the angle of street intersection is less than ninety (90) degrees, the Commission may require a greater radius.

H. Street jogs Street jogs with centerline offsets of less than one hundred twenty- five (125) feet shall not be permitted.

I. Cul-de-sacs Cul-de-sac streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long. There shall be provided at the closed end a turnaround having an outside right-of-way diameter of at least one hundred (100) feet.

J. Materials and methods for constructing rigid pavements Available from City Engineer.

K. Materials and methods for constructing flexible pavements Available from City Engineer.

L. Materials and methods for constructing excavation and fills, pipe culverts and storm sewers, catch basins, drop inlets and junction boxes, sub drain and sidewalks Available from City Engineer.

M. Standard details For paving and storm sewer improvements Attached.

N. Special provisions Whenever the Planning Commission of the city of Arkadelphia requires the installation of an improvement in excess of a class three street, the city of Arkadelphia will participate in the cost of construction in an amount agreed upon at the time of development. (Ord. No. 318)

CHAPTER 9.16

NUMBERING PROPERTY

Sections:

9.16.01 Purposes
9.16.02 Uniform numbering system
9.16.03 Assignment of numbers
9.16.04 Record
9.16.05 Numbering standards

9.16.01 Purposes The purposes of this ordinance are hereby declared to be as follows:

A. To provide a uniform system for numbering property.

B. To provide a method whereby property numbers are assigned. (Ord. No. 163, Sec. 1)

9.16.02 Uniform numbering system A uniform system of numbering principal structures is shown on Annexes 1 and 2 to this ordinance which are maps entitled "House Numbering Plan and dated September, 1959. Said Annexes are attached hereto and are a part of this ordinance. (Ord. No. 163, Sec. 2)

9.16.03 Assignment of numbers

A. Property and/or all structures within the corporate limits of Arkadelphia, Arkansas, shall hereafter be identified by numbers with reference to the street on which the property and/or structure is located. All such numbers shall be assigned by the City Engineer of said city using as a basis therefore the numbering system adopted herein.

B. All existing numbers of property or structures not now in conformity with the provisions of this ordinance shall be changed to conform to the system herein adopted within thirty (30) days from the date of publication of this ordinance.

C. The said numbers as assigned shall be posted on the front entrance or entrances of the principal building and shall be located and of such size that the same is clearly visible from the street on which the property is located. Provided in no instance shall said numerals be smaller than two and one-half (2½) inches in height. (Ord. No. 163, Sec. 3)

9.16.04 Record The City Engineer shall keep and maintain an accurate record of all numbers so assigned under the provisions of this ordinance and the said City Engineer shall, upon application of the property owner, issue a number for new buildings hereafter constructed within the city. (Ord. No. 163, Sec. 4)

9.16.05 Numbering standards

A. Separate numbers shall be assigned for each twenty-five (25) feet of frontage between two (2) succeeding grid lines indicated on the maps entitled "Numbering Plan" and dated September, 1959.

B. Each principal structure shall bear the number assigned to the frontage on which the front entrance is located.

C. In case of a duplex with two (2) entrances on the street, two (2) successive numbers shall be used.

D. In case of a duplex with only one (1) entrance, dwellings with three (3) or more apartments and buildings with more than one (1) office shall bear the number assigned to the frontage on which the front entrance is located and also a letter assigned to the entrance of that apartment, office or business.

E. All buildings have been included in the three (3) preceding paragraphs; however, in case of a hotel, large office building or similar case where the above system of numbering is not feasible, the City Engineer may allow the owner or operator of such an establishment to use another system if the system meets the Planning Commission's approval. (Ord. No. 163)

CHAPTER 9.20

STREET OBSTRUCTIONS

Sections:

9.20.01	Visibility area defined
9.20.02	Exceptions
9.20.03	Existing obstructions
9.20.04	Penalty
9.20.05	Notice to remove
9.20.06	Removal of obstruction by city

9.20.01 Visibility area defined It shall be a misdemeanor for any person or persons or corporations owning real property at intersecting streets to install, set out or maintain or to allow the installation, setting out or maintenance of any sign, hedge, fence, shrubbery, natural growth or other obstruction to the view higher than thirty (30) inches above the level of the center of the adjacent intersection within:

A. That triangular area between the property line and a diagonal line joining points on the property lines fifty (50) feet from the point of their intersection, or;

B. In the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on said tangents fifty (50) feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner.

C. In both (A) and (B) above, such areas within the said triangle as shall approach within the setback lines applicable to any lot or parcel of real property by and through the zoning laws of this city as fully set forth in said zoning ordinance shall be exempted from the application of this section and shall not be deemed part of the visibility area.

D. Embankments, retaining walls or other obstructions within the area described above which so obstruct the view as to endanger life or property are declared to be a traffic hazard and shall be removed at the discretion of the Chairman of the Street and Alley Committee in accordance with this ordinance. (Ord. No. 189, Sec. 1)

9.20.02 Exceptions The foregoing section shall not apply to public utility poles, small trees that do not exceed twelve (12) inches in diameter (trimmed to the trunk) to a line at least eight (8) feet above the level of the intersection, saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view and supporting members of appurtenance to

permanent buildings on the date this ordinance becomes effective. Official signs or signals at places where the contour of the ground is such that there can be no cross-visibility at the intersection or to signs mounted ten (10) feet or more above the ground and whose supports do not constitute an obstruction as defined in Section 9.16.01 hereof. (Ord. No. 189, Sec. 2)

9.20.03 Existing obstructions No obstruction to cross-visibility shall be deemed to be excepted from the application of this article because of its being in existence at the time of the adoption hereof. (Ord. No. 189, Sec. 3)

9.20.04 Penalty Any person, persons or corporations violating this ordinance shall be guilty of a misdemeanor and on conviction, shall be fined any sum not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00) and each day that the violation shall continue shall constitute a separate offense. (Ord. No. 189, Sec. 4)

9.20.05 Notice to remove The board of directors, when it shall come to its knowledge that any person is in violation of this ordinance, shall notify in writing such person to remove the same, which notice shall give a reasonably sufficient time to perform such removal. (1949 Digest of Ords., §§ 13-60, 13-61, 13-66, 13-70)

9.20.06 Removal of obstruction by city In the event of any violation of this ordinance, in addition to the fine mentioned in 9.16.04 hereof, the city is authorized to go upon said real property and take any usual and necessary action to effect full compliance with the provisions of this ordinance and the owner of said real property shall be liable for the cost of such action by the city. (Ord. No. 189, Sec. 5)

CHAPTER 9.24

ILLEGAL STREET ACTIVITIES

Sections:

9.24.01 Declared unlawful
9.24.02 Fine

9.24.01 Declared unlawful Hereafter, it shall be unlawful for any person to go upon the paved streets of the city of Arkadelphia on roller skates, scooters, coasters or any other thing used for skating or coasting, whether named in this ordinance or not. (Ord. No. 2, Sec. 1)

9.24.02 Fine Any person violating 9.20.01 of this ordinance shall, on conviction in the District Court, be fined in any sum not less than Five Dollars ($5.00) nor more than Twenty-Five Dollars ($25.00) and each day that said 9.20.01 is violated shall be a separate offense. (Ord. No. O-15-09, Sec. 1)

CHAPTER 9.28

EXCAVATIONS

Sections:

9.28.01	Compliance required
9.28.02	Permit required
9.28.03	Permit application
9.28.04	Permit fees
9.28.05	Estimation of time required to complete work
9.28.06	Exemptions from permit requirements
9.28.07	Obstruction to streets, sidewalks
9.28.08	Bracing, injury to pipes, etc.; notice of possible or actual injury
9.28.09	Barricades and lights required
9.28.010	Inspections
9.28.011	Restoration, refilling of street to proper level
9.28.012	Notice required before refilling begins
9.28.013	Notification of completed refilling

9.28.01 Compliance required It shall be unlawful for any person to make any excavation in any street, alley or other public place without complying with the provisions of this article or to make any such excavation in violation of or at variance with or in any manner contrary to the terms of the permit issued under the pro- visions of this article. (Ord. No. 116, §§ 1, 6, 2-7-50)

9.28.02 Permit required It shall be unlawful for any person to make any excavation in any street, alley or other public place in the city or to tunnel under any street, alley or other public place in the city without having first obtained a permit as herein required. (Ord. No. 116, § 1, 2-7-50)

9.28.03 Permit application Application for a permit required under the provisions of this article shall be made to the city engineer and shall contain thereon the location of the intended excavation or tunnel, the size thereof, and the person doing the actual excavating work and the name of the person for whom such work is being done. Such application shall also contain an agreement signed by the person doing the work to be bound by and comply with the provisions of this article. (Ord. No. 116, § 2, 2-7-50)

9.28.04 Permit fees The fee for a permit required by this article shall be the sum of ten dollars ($10.00) plus the following charges:

Concrete ---------- $10.00 per square yard

Asphalt ---------- 8.00 per square yard

Gravel---------- 6.00 per square yard.

(Ord. No. 116, § 3, 2-7-50)

9.28.05 Estimation of time required to complete work Each application for a permit under the provisions of this article shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground, or until the refill is ready to be made for the pavement or blacktop to be put on by the city. It shall be unlawful to fail to comply with this time limitation unless permission for extension is granted by the city engineer. (Ord. No. 116, § 8, 2-7-50)

9.28.06 Exemptions from permit requirements The provisions of this article relative to securing permits shall not apply to officers of employees of the city engaged in doing work for the city; nor to persons doing work for the city under contract. (Ord. No. 116, § 11, 2-7-50)

9.28.07 Obstructions to streets, sidewalks It shall be unlawful to render more than one-half (1/2) the width of any street unavailable for travel in connection with any excavation or tunnel without prior approval of the city engineer. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient to users. (Ord. No. 116, § 7, 2-7-50)

9.28.08 Bracing, injury to pipes, etc.; notice of possible or actual injury In making an excavation proper bracing shall be maintained to prevent collapse of adjoining ground. No injury shall be done to any pipes, cables or conduits in the making of any excavation or tunnel. Notice shall be given to the persons maintaining any pipes, cables or conduits or to the city department or officer charged with the care therefor which are or may be endangered or affected by the making of any excavation or tunnel before such pipes, cables or conduits shall be disturbed. (Ord. No. 116, § 6, 2-7-50)

9.28.09 Barricades and lights required Any person making or maintaining any excavation in any street or alley shall keep the same adequately guarded by barricades and lights to protect persons and property from injury. (Ord. No. 116, § 5, 2-7-50)

9.28.010 Inspections The city engineer shall from time to time inspect all excavations and tunnels being made in or under any public street, alley or other public place in the city to see to the endorsement of the provisions of this article. (Ord. No. 116, § 10, 2-7-50)

9.28.011 Restoration, refilling of street to proper level Any person making any excavation or tunnel in or under any public street, alley or public way in the city shall restore the surface thereof to its original level and all refills shall be properly compacted. (Ord. No. 116, § 9, 2-7-50)

9.28.012 Notice required before refilling begins Notice shall be given to the city engineer at least five (5) hours before the work of refilling any excavation or tunnel begins. (Ord. No. 116, § 10, 2-7-50)

9.28.013 Notification of completed refilling The city engineer shall be notified when the refilling of any street, alley or other public way has been completed. (Ord. No. 116, § 9, 2-7-50)

TITLE 10

UTILITIES

Chapters:

10.04 Sewer Regulations
10.08 Water and Sewer Rates
10.12 Water Sale Contract
10.16 Cross-Connection Control
10.20 Arkadelphia Water and Sewer Committee

CHAPTER 10.04

SEWER REGULATIONS

Sections:

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

10.04.01 Definitions

Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20° C, expressed in milligrams per liter.

Building shall mean residential and commercial structures which enclose a source of wastewater.

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 from the building drain to the public sewer or other place of disposal, also called house connection.

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 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.

Industrial waste shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows that discharges into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

May is permissive (see "shall").

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. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10-7.

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one- half (½) inch in any dimension.

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 is the spent water of a community. The preferred term is "wastewater."

Sewer shall mean a pipe or conduit that carries wastewater.

Shall is mandatory (See "may").

Slug shall mean any discharge of waste or wastewater which in concentration of any given constituent or in quality of flow exceeds for fifteen (15) minutes more than five (5) times

the average twenty-four (24) hour concentration or flow during normal operation.

Storm drain (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, sub-surface water, or unpolluted water from any source.

Manager shall mean the manager of wastewater facilities of the city of Arkadelphia, Arkansas, or his authorized deputy, agent, or representative.

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" and referred to as non-filterable residue.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

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, commercial buildings, industrial plants and institutions.

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 works 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 treatment plant" or "water pollution control plant".

Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. O-92-1, Art. 1.)

10.04.02 Use of public sewers required

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

B. It shall be unlawful to discharge to any natural outlet within the city of Arkadelphia, Arkansas or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of wastewater in the city of Arkadelphia or in any area under the jurisdiction of Arkadelphia.

D. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city of Arkadelphia (or in any area under the jurisdiction of Arkadelphia) and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities either through a septic tank or directly to the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building. (Ord. No. O-92-1, Art. 2.)

10.04.03 Private wastewater disposal

A. Where a public sanitary sewer is not available under the provisions of Article 11, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Manager. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and construction permits approved by the Arkansas Department of Health. The minimum lot area for a single family residence shall be in accordance with current Arkansas Department of Health in order for a private disposal permit to be issued. A permit and inspection fee of Ten Dollars ($10.00) shall be paid to the city at the time the application is filed.

C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Manager. The Manager shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Manager.

D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations approved by the Arkansas Department of Health. No septic tank shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article 11, Section 4, a direct connection from the building, or the septic tank, shall be made to the public sewer within sixty (60) days in compliance with this ordinance.

F. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollution Discharge Elimination System permit.

G. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

H. No statement contained in this article shall be construed to interfere with any additional requirements that may be required by the County Sanitarian. (Ord. No.O- 92-1, Art. 3.)

10.04.04 Building sewers and connections

A. No authorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.

B. There shall be three (3) classes of building sewer permits: (a) for residential service, (b) for commercial service and (c) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit and inspection fee of Ten Dollars ($10.00) for residential permits per unit, Ten Dollars ($10.00) for commercial permits per unit, and Ten Dollars ($10.00) for industrial permits per unit shall be paid to the city at the time the application is filed.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

E. Old building sewers may be used in connection with new buildings only

when they are found, on examination, and tested by the Manager, to meet all requirements of this ordinance.

F. All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, building sewers, and septic tanks the size, slope, alignment, materials of construction of a building sewer and septic tank, and the methods to be used in excavating, placing of the pipe and septic tank, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city and the state of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

G. 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 sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person(s) shall make connections of roof downspouts, foundation drains, area 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.

I. All connection into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or in the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and shall be verified by proper testing.

J. The applicant for the building sewer permit shall notify the Manager when the building sewer (and septic tank) is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Manager or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and warning 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.

L. Any person responsible for discharges through a building sewer carrying industrial waste shall, at his own expense:

1. Install an accessible and safely located control manhole;
2. Install meters and other appurtenances to facilitate observation, sampling, and measurement of the waste; and,
3. Maintain the equipment and facilities.

Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city. (Ord. No. O-92-1, Art. 4.)

10.04.05 Use of the public sewers

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

B. Stormwater 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 City.

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, which injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

3. Any waters or wastes having a pH lower than 6.0 or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

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

5. No substance will be added which would preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.

D. The following described substances, materials, waters, or waste shall be limited to discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Manager may set limitations more stringent than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Manager are as follows:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65° C);

2. Any water or waste containing fats, wax, grease or oils, in excess of fifty (50) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0°and 65° C);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.56 KW) or greater shall be subject to the review and approval of the city.

4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing any damage or corrosion in the sewers or the sewage treatment plant interfering with the sewage treatment process.

5. Any waters or wastes exerting any excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials.

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

7. Any radioactive wastes or isotopes of which exhibit a half-life or

concentration that may exceed limits established by the City in compliance with applicable state or federal regulations.

8. Materials which exert or cause:

   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, paint, dye wastes, and vegetable tanning solutions).

   c. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

9. And waters or wastes containing toxic materials or heavy metals in concentrations exceeding the following limits:

Element	Concentration (mg/l)*
Arsenic	0.05
Barium	5.00
Boron	1.00
Cadmium	0.02
Chromium (total)	0.05
Copper	0.02
Lead	0.10
Manganese	0.5
Mercury	0.002
Nickel	0.08
Selenium	0.02
Silver	0.01
Zinc	0.05
Cyanide	0.05

10. Any waters containing any measurable trace of the following:

Antimony	Uranylion
Beryllium	Rhenium
Bismuth	Strontium
Cobalt	Tellerium
Molybdenum	Herbicides
Fungicides	Pesticides

11. Chlorinated solvents.

12. Wastes containing sulfides over 5.0 mg/1.

13. Septic tank sludge.

14. Any dissolved solids in excess of 600 mg/1

15. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

16. Specific attention should be given to toxic materials and heavy metals. These materials constitute an immediate hazard to humans, animals and aquatic life and, in addition, may have cumulative effects. Dilution of such materials in lieu of treatment (removal) is not an acceptable policy.

E. No person shall discharge or cause to be discharged materials which exert or cause BOD in excess of 250 mg/1, suspended solids in excess of 250 mg/1, or oil and grease in excess of 50 mg/1, without prior approval of the superintendent and without paying an abnormal sewage surcharge.

F. The storage of any material in areas draining into the city sewer which, may create a hazard to the sewage works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream shall be subject to review by the Manager. He may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

G. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Manager may have a deleterious effect upon the sewage works, processes, equipment, or receiving water, or which otherwise may create a hazard to life or constitute a public nuisance, the city may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule; and/or

3. Require control over the quantities and rates of discharge. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to requirements of all applicable codes, ordinances and laws, and U. S. Environmental Protection Agency guidelines for pretreatment; and/or

4. Require that a wastewater effluent retention basin be provided of adequate volume to insure that slugs of concentrated pollutants are not discharged into the public sewer. If the City requires the retention of wastewater effluent, the design and installation of the retention basin shall be subject to the review and approval of the City.

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

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

J. When directed to do so by the City, the owner of any property discharging industrial wastes shall, have a qualified testing laboratory collect a representative sample of the industrial wastewater and have the appropriate physical, chemical, and biological tests performed on this sample. Qualified testing laboratories selected by the owner shall be acceptable to the City. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the City by the laboratory stating the results of the tests. Required sampling and testing shall be performed in accordance with the provisions of Section 11of this Article.

K. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. The sample shall be taken at the control manhole, and sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (Ord. No. O-92-1, Art. 5.)

10.04.06 Protection from damage

A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Manager. (Ord. No. O-92-1, Art. 6.)

10.04.07 Powers and authority of inspectors

A. The Manager and authorized employees bearing proper credentials shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Manager or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge.

B. While performing the necessary work on private properties referred to in Article VIII, Section I above, the Manager or authorized employees shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the City employees. The City employees shall observe all safety rules applicable to the premises established by the company. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article 5, Section 10.

C. The Manager and authorized employees bearing proper credentials shall be permitted to enter all private properties through which the City holds easements for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done if full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. O-92-1, Art. 8.)

10.04.9 Penalties

A. Any person found to be violating any provision of this ordinance except Article 6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article and/or any person who shall be found to be violating the provisions of Article 6 of this ordinance shall be deemed guilty of a misdemeanor

and, upon conviction thereof, shall be fined in an amount not more than One Hundred Dollars ($100.00) for each violation, or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than One Hundred Dollars ($100.00) for each day that the same shall be unlawfully continued. The City may revoke the permission for discharge of wastes into the sewer system and effect the discontinuation of water service, sewer service, or both.

C. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (Ord. No. O-92-1, Art 9.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

10.08.01 Connection charges
10.08.02 Minimum connection charges
10.08.03 Water rates
10.08.04 Sewer rates generally
10.08.05 Excessive strength
10.08.06 Charges for extraneous flows
10.08.07 Toxic pollutants charges
10.08.08 User charge computations
10.08.09 Billing
10.08.010 Records
10.08.011 Review and revision
10.08.012 Review of user charge
10.08.013 Vacant property
10.08.014 Payment procedures

10.08.015 10.08.01 Connection charges

A. Water system service connection charges

Meter size	New subdivision	Developed area
5/8” meter	$120.00	$325.00
1” meter	$190.00	$400.00

Service connection charges for larger meters will be determined and established to recover all costs of meters, materials, machinery and labor involved in the installation.

B. Sewer system service connection charges

New subdivision	Developed area
$120.00	$325.00

(Ord. No. B-360, Sec. 1.)

10.08.02 Minimum connection charges The minimum service connection charges, established hereby shall never be reduced below an amount sufficient to pay the entire cost incurred by the Water and Sewer Department of the city of Arkadelphia in making said service connections. (Ord. No. B-360, Sec. 3.)

10.08.03 Water rates The following monthly rates be, and are hereby fixed as rates to be charged for water (first 2,000 gallons) furnished and services provided by the Water Department of the city of Arkadelphia, Arkansas, which rates the City Board of Directors finds and declares to be reasonable and necessary minimum rates to be charged beginning June 1 of each year as follows:

Meter size	**2009 minimum charge**	**2010**	**2011**	**2012**	**2013**
5/8"	$7.16	$7.43	$7.70	$8.00	$8.30
¾ "	$10.06	$10.43	$10.82	$11.23	$11.66
1"	$15.72	$16.30	$16.91	$17.55	$18.22
1 ½ "	$29.96	$31.06	$32.21	$33.44	$34.71
2"	$42.79	$44.38	$46.02	$47.77	$49.58
3"	$79.70	$82.65	$85.71	$88.96	$92.34
4"	$129.46	$134.25	$139.22	$144.51	$150.00
6"	$237.51	$246.29	$255.41	$265.11	$275.19

(Ord. No. 0-2009-3, Sec. 1.)

Additional monthly charges In addition to the minimum monthly charge cited above, the following rates shall apply to the amount of water used in excess of two thousand (2,000) gallons per month. The charge for service to premises beyond the Arkadelphia city boundaries, whether individual or water systems, including consecutive water systems, shall be twenty-five percent (25%) greater than the charges shown below.

Amount	**2009**	**2010**	**2011**	**2012**	**2013**
The next 8,000	$1.86	$1.93	$2.00	$2.08	$2.16
The next 40,000	$1.59	$1.65	$1.71	$1.78	$1.85
Over 50,000	$1.13	$1.17	$1.21	$1.26	$1.31
Water System					
River Valley	$1.38	$1.43	$1.49	$1.54	$1.60

Caddo Valley	$1.38	$1.43	$1.49	$1.54	$1.60
Country Water	$1.38	$1.43	$1.49	$1.54	$1.60
Gum Springs	$1.38	$1.43	$1.49	$1.54	$1.60

(Ord. No. O-09-3, Sec. 1.)

A monthly fee of $.30 per meter will continue to be assessed for the Federal Safe Drinking Water Act for water analysis by the Arkansas Department of Health. (Ord. No. O-09-3, Sec. 2.)

The effective date of this ordinance shall be the first billing cycle after this ordinance is passed by the Arkadelphia City Board of Directors plus thirty days. (Ord. No. O-09-3, Sec. 3.)

The rates established hereby shall never be reduced below an amount sufficient to provide the operation, maintenance, and depreciation of the water system, and for the payment of the water system portion of the principal and interest on current bonds, and on bonds that may be issued in the future, and when necessary, said rates will be increased to provide sufficient funds for these requirements. (Ord. No. O-09-3, Sec. 5.)

10.08.04 Sewer rates generally The City hereby establishes as rates, to be charged for sewer services furnished by the city's system, which the Board of Directors finds and declares to be reasonable and necessary, to be charged to all users who contribute wastewater to the Arkadelphia, Arkansas, treatment works. The proceeds of such charges so delivered will be for the purpose of operating and maintaining, including replacement (OM&R), the public wastewater treatment works. (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.)

All users of the municipally owned wastewater treatment system shall be charged monthly as follows beginning June 1, 2009:

Usage/base rate charge	**2009**	**2010**	**2011**	**2012**	**2013**
0 – 2000 gallons	$9.08	$9.17	$9.26	$9.35	$9.45
Next 8,000 per 1,000 or any part thereof	$2.72	$2.75	$2.78	$2.80	$2.83
Next 40,000 per 1,000 or any part thereof	$2.27	$2.29	$2.31	$2.34	$2.36
Next 1000,000 per 1,000 or any part thereof	$1.82	$1.84	$1.85	$1.87	$1.89
Next 350,000 per 1,000 or any part thereof	$1.13	$1.15	$1.16	$1.17	$1.18
Over 5000,000 per 1,000 or any part thereof	$1.01	$1.02	$1.03	$1.04	$1.05

(Ord. No. O-09-4, Sec. 1.)

In the case of users not on metered basis, the Utility Manager shall establish water

consumption based on comparison of the non-metered user with a metered user of similar class.

All users shall be classified by the city of Arkadelphia, Arkansas, as residential, commercial or industrial.

User charge methodology

The minimum charge per 1,000 gallons of wastewater (as shown in the above table) shall not be less than the amount required for operation and maintenance, including replacement, and the proportionate share for debt service. The cost of operation, maintenance, and replacement shall be computed as follows:

Total annual OM&R $
(365 days) (#. of 1,000's gal. sold per day)

All users of the municipally owned wastewater treatment system shall be charged their proportionate share for debt service. Each user of the Arkadelphia wastewater system shall pay his fair share of the cost to retire the revenue bonds issued for the purpose of construction of improvements to the wastewater system. These proportionate costs shall be based upon the water consumption of each use similar to the manner in which operation and maintenance costs are computed.

Total annual debt service cost in $/1,000 gal.

Total annual Debt Service $
(365 days) (No. of 1,000's of gal. sold per day) (Ord. No. 0-2009-4, Sec. 1.)

10.08.05 Excessive strength charges For any user, when the BOD exceeds 250 mg/1, the suspended solids exceed 250 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = (B_c (B) + S_c (S) + P_c (P)) V_u$$

C_s = a surcharge for wastewaters of excessive strength.
B_c = Operation and Maintenance (O&M) cost for treatment of a unit of BOD. B = Concentration of BOD from a user above a base level.
S_c = O&M cost for treatment of a unit of any pollutant. S = Concentration of SS from a user above a base level.
P_c = O&M cost for treatment of a unit of any pollutant.
P = Concentration of any pollutant from a user above a base level. V_u = Volume contribution from a user per unit of time.

The city also has the right to require pretreatment should it be determined that high concentrations of pollutants may adversely affect wastewater treatment. (Ord. No. O-09-4,

Sec. 2.)

10.08.06 Charges for extraneous flows The costs of operation and maintenance for all flows not directly attributable to users (such as Infiltration /Inflow) shall be distributed among users on the same basis as operation and maintenance charges.(Ord. No. O-09-4, Sec.3 .)

10.08.07 Toxic pollutants charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.(Ord. No. O-09-4, Sec. 4.)

10.08.08 User charge computations Monthly user charges shall be computed based upon the number of thousands of gallons of water purchased times the rates presented above. (Ord. No. O-09-4. Sec. 5.)

10.08.09 Billing Users will be billed on a monthly basis with payment due by the 10th day of the month following the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the city. Sewer rates will be calculated by means of the average usage in the months of November, December, January and February.

Users with delinquent accounts will be notified in writing by the utility where, during hours of the business day, the bill may be disputed. If the user waives the opportunity to be heard, the water and/or wastewater services will be discontinued until such bill is paid. A reconnect/ collection fee will apply. (Ord. No. O-09-4, Sec. 6.)

10.08.010 Records A financial management system will be maintained by the city of Arkadelphia, Arkansas, to document compliance with federal/state regulations. The system will account for all revenues generated and expenditures for operation and maintenance and replacement. (Ord. No. O-09-4, Sec. 7.)

10.08.011 Review and revision The user charge shall be reviewed not less often than every year regarding the wastewater contribution of users and user classes, the total costs of the operation, maintenance and replacement of the treatment works and its approved user charge. The charges for user classes shall be revised to accomplish the following:

A. Maintain the proportionate distribution of operation and maintenance costs among users and user classes.

B. Generate sufficient revenue to pay the total costs necessary to the proper operation and maintenance (including replacement) of the treatment works and

C. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall

be adjusted accordingly.

D. Revenues from the project (e.g., sale of treatment related by-product or lease of the land) shall be used to offset the cost for OM&R. (Ord. No. O-09-4, Art. II.)

10.08.012 Review of user charge Any user who feels his user charge is unjust and inequitable may make written application to the Arkadelphia Water and Sewer Committee requesting a review of his charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Review of the request shall be made by the Arkadelphia Water and Sewer Committee, and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle.

These user charges shall apply to all charges mailed to consumers the last day of June, 2009, for usage that month. (Ord. No. O-09-4, Art II and IV.)

CHAPTER 10.12

WATER SALE CONTRACT

Sections:

10.12.01 Clark County River Valley Public Water Facilities Board
10.12.02 Authorization

10.12.01 Clark County River Valley Public Water Facilities Board The sale of water, not to exceed eleven million five hundred thousand gallons per month to the Clark County River Valley Public Water Facilities Board at a cost as set forth in Ordinance No. 0-2001-11 which water rates may be amended by the city of Arkadelphia from time to time, is hereby approved under the terms and conditions as set forth in the water purchase contract, a form copy of which is attached hereto. (Ord. No. O-02-5, Sec. 1.)

10.12.02 Authorization Barbara Coplen, City Manager, and Rendi Currey, City Clerk, are hereby authorized to execute the water purchase contract with the Clark County River Valley Public Water Facilities Board. (Ord. No. O-02-5, Sec. 2.)

CHAPTER 10.16

CROSS-CONNECTION CONTROL

Sections:

10.16.01 Purpose
10.16.02 Definitions
10.16.03 Requirements

10.16.01 Purpose The purpose of this ordinance is:

A. To protect the public potable water supply of Arkadelphia, Arkansas, from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the consumer's private water system(s) and non-potable water system(s), such contaminants or pollutants which could backflow into the public water systems; and,

B. To promote the elimination or control of existing cross-connections, actual or potential between the consumer's in plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems and,

C. To provide for the maintenance of a continuing program of Cross-Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

RESPONSIBILITY: The Arkadelphia Water and Sewer Utility 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. Upon passage of this ordinance, all new water service connections, of any type, shall be equipped with an approved backflow prevention device. If, in the judgment of the Utility Manager an approved backflow prevention assembly is required (at the existing customer's water service connection; or, within the customer's private water system) for the safety of the water system, the Utility Manager 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 consumer shall immediately install such approved assembly(s) at the consumer's own expense; and, failure, refusal or the inability on the part of the customer to install, have tested and maintained said assemb1y(s) shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. No. O-95-10, Sec. 1.)

10.16.02 Definitions

Air gap The unobstructed vertical distance through which the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture, or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.

Approved Accepted by the Utility as meeting an applicable specification stated or cited in this ordinance, or as suitable for the proposed use.

Arkadelphia Water and Sewer Utilities Manager The Water and Sewer Utilities Manager in charge of the Arkadelphia Water and Sewer Utilities of the city of Arkadelphia, Arkansas, is invested with the authority and responsibility for the implementation of an effective cross- connection control program and for the enforcement of the provision of this ordinance. Hereafter termed, "Manager."

Auxiliary Water Supply Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered an auxiliary water supply. There 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, etc., or "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 reversal of the normal flow of water cause by either backpressure or back siphonage.

Backpressure The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

Backflow preventer An assembly or means designed to prevent backflow.

Back siphonage The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

Contamination means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

Cross-Connection Any physical connection or arrangement of piping of fixtures between two otherwise separate piping systems one of which contains potable water and the

other non- potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, dummy section of pipe, swivel or change-over devices or sliding multipart tube.

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.

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 with in 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 which cannot be effectively eliminated or controlled at the point of cross-connection.

Double Check Valve Assembly An assembly of two independently operating approved check valves with resilient seated shut-off valves on each end of the check valves, plus properly located resilient seated test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and utility approved testing agency for backflow prevention assemblies. To be approved these assemblies must be readily accessible for in-line testing and maintenance.

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 Any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of the Manager, may create a danger to the health and well-being of the water consumer.

Hazard - pollutional An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

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 approved backflow prevention assembly.

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 which 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 which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to polluted or decontaminated waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalines, 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 from well, springs, streams, rivers, bays, harbors, seas, irrigation canals or system, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Pollution means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Reduced Pressure Principle Assembly An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and resilient seated shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and utility approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure on the public water supply side of the assembly. At cessation of a normal flow the pressure between the two check valves shall be less than the pressure on the public water side of the assembly. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved these assemblies must be readily accessible for in-line testing and maintenance and be installed in location where no part of the assembly shall be submerged.

Water- potable Any water which, according to recognized standards, is safe for human consumption.

Water- Non-potable Water which not safe for human consumption or which is of questionable potability.

Water- service connection The terminal end of a service connection from the public potable water system; where the Utility loses sanitary control 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 any 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- used Any water supplied by the Utility from a public 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 Utility. (Ord. No. O-95-10, Sec. 2.)

10.16.03 Requirements

WATER SYSTEM

The Water System shall be considered as made up of two parts: The Utility System and the Customer System.

A. 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.

   1. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the customer's system.

   2. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

B. The Customer System shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to its points of use.

POLICY

No water service connection to any premises shall be installed or maintained by the Utility 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 Utility if a backflow prevention assembly is required by this ordinance is not installed, tested and maintained, or is if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross- connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

The customer's system should be open for inspection at all reasonable times to authorized representatives of the Arkadelphia Water and Sewer Utilities to determine whether cross- connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Utility 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 the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

An approved backflow preventer assembly shall also 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. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Manager, the public water 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.

B. In the case of premises on which any industrial fluids or any other objectionable substance is 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 which have subject to deterioration in quality.

C. In the case of premises having (1) internal cross-connection that cannot be permanently corrected or controlled, or, (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable 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. Such installation shall be at the customer's expense, at the discretion of the Utility.

D. The type of protective assembly required subsection A, B, and C shall depend upon the degree of hazard which exists as follows:

1. In the case of any premises where there is an auxiliary water supply as stated in subsection 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.

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 which 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 condition 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 principle 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 principle backflow prevention assembly on each service to the premises.

Any backflow prevention assembly required herein shall be a model and size approved by the Arkadelphia Water and Sewer Utilities. 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 entitled:

*AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices; and, have met completely the laboratory and field 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 - Section 10 of the most current issue of the MANUAL OF CROSS-CONNECTION CONTROL.

Said AWWA and FCC&HR standards and specifications have been adopted by the Arkadelphia Water and Sewer Utilities. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with the said AWWA standards and FCCCR&HR specifications.

The following testing laboratory has been qualified by the Utility 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 Utility. Backflow preventers which may be subjected to backpressure or back siphonage 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 test or qualification.

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 upon installation and at least once per year. In those instances where the Manager deems the hazard to be great enough the Manager may require certified inspections 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, Arkadelphia Water and Sewer Utilities personnel or be a certified tester approved by the Utility. It shall be the duty of the Manager to see that these tests are made in a timely manner. The customer-user shall notify the Utility in advance when the tests are to be undertaken so than an official representative 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 overhaul shall be kept and made available to the Utility.

All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3.2.6, be excluded from the requirements of these rules so long as the Utility is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or the Utility 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. O-95- 10, Sec. 3.)

CHAPTER 10.20

ARKADELPHIA WATER AND SEWER COMMITTEE

Sections:

10.20.01	Creation
10.20.02	Members
10.20.03	Authority
10.20.04	Budget
10.20.05	Audit
10.20.06	Personnel Handbook
10.20.07	Utilities Manager vacancy
10.20.08	Fees
10.20.09	Powers
10.20.010	Bond issues

10.20.01 Creation The construction, custody, operation and maintenance of the Water Works System and the Sewer System and the collection of the revenues therefrom for the services to be rendered thereby shall be supervised by a Water and Sewer Committee, hereinafter called "Committee."

Said Committee shall serve at the will of the City Board of Directors, hereinafter called "City Board." The City Board may remove any member of the Committee with or without cause and may appoint any substitute members in case of death, removal, or resignation. The Committee shall be subject to the supervision and regulation of the City Board of Directors and shall be and are vested with such powers as are granted the Committee in this ordinance or any subsequent amending ordinance, provided such powers are not contrary to law. (Ord. No. O-03-06.)

10.20.02 Members The Committee shall consist of seven members. Appointed as Committee members and the dates their terms expire are as follows: Bill Fowler, 02/17/2004; Estella Forte, 02/17/2005; Ken Sandifer, 02/17/2005; Bill Goff, 02/17/2006; Danny Adams, 2/17/2007; Chairperson, Dr. Alan Wright, 02/17/2007, W.A. Wingfield, 02/17/2008. As each term expires, the new term shall be for a period of five years. The Water and Sewer Committee members may be reappointed for additional terms by the City Board and the Chairperson may be reappointed for additional terms by the Committee. (Ord. No. O-03-06, Sec. 2.)

10.20.03 Authority The Committee shall have the authority to seek specifications for bids and requests for qualifications and professional services and to make recommendations to the City Manager for beginning the bidding process or selection of services in accordance with the city budget and bid procedures Non-budgeted goods and services costing in excess of $20,000 require the approval of the City Board. In the event of an emergency, the Water and Sewer Manager may take such necessary action as is required to maintain the Water and Sewer System

in accordance with all state and federal statutes and regulations. If possible, the City Manager should be advised of the need for an emergency expenditure prior to the expenditure and if unavailable, within 24 hours of the emergency occurring. (Ord. No. O-03-06, Sec. 3.)

10.20.04 Budget The Committee shall present to the City Board each year its proposed budget for the coming year. The City Board has final budget authority and shall approve a budget in a timely manner. (Ord. No. O-03-6, Sec. 4.)

10.20.05 Audit In accordance with the bond ordinances of the city involving the Water and Sewer Department, an independent audit performed by an independent certified public accountant not in the employ of the city shall be prepared annually and forthwith transmitted to the Board of Directors. The City Board may designate the type of audit it desires and order supplemental audits, if in its discretion additional auditing is necessary. The Treasurer of the city shall be the custodian of the gross revenues derived from the water works system and from the sewer system. Specifically, the city shall cause proper books of accounts and records to be kept (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the operation of the Water and Sewer system. It shall be the duty of the City Treasurer to withdraw or cause to be withdrawn from the bond fund at least five (5) days before the due date of any principal of or interest on any of the bonds and deposit with the Trustee of the bonds. (Ord. No. O-03-06, Sec. 5.)

10.20.06 Personnel Handbook All employees of the Water and Sewer Department are employees of the city of Arkadelphia and are subject to the (provisions of) city's Personnel Handbook. The Water and Sewer Manager and employees of the Department are subject to the direction of the City Manager, as are other department heads and employees. (Ord. No. O-03-06, Sec. 6.)

10.20.07 Utilities Manager vacancy Employment of the Water and Sewer Utility Manager or termination of the Water and Sewer Utility Manager is the responsibility of the City Manager. (O-03-06 Sec.7)

10.20.08 Fees All fees charged by the Water and Sewer Department shall be subject to the approval of the City Board. (Ord. No. O-03-06, Sec. 8.)

10.20.09 Powers The City Board reserves unto itself the power of eminent domain, rate setting, issuance of bonds and mortgaging of city (Water and Sewer) property, extensions of water or sewer lines outside the city limits, and contracts with other cities or entities as well as all other powers. No negotiations, formal or informal, extending water lines or excepting of any sewer from outside entities may commence before proper City Board approval. (Ord. No. O-03-06, Sec. 9.)

10.20.010 Bond issues The Water and Sewer Department and the city of Arkadelphia shall comply with all provisions of bond issues involving the issuance of water and sewer bonds. (Ord. No. O-03-06, Sec. 10.)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

11.04 Permit Fees
11.08 Adoption of Standard Codes
11.12 Building and Electrical Code
11.16 Housing Code
11.20 Condemned Structures
11.24 Energy Efficiency Standards
11.28 Fair Housing
11.32 Gas Code
11.36 Mechanical Code
11.40 Authorization for Contractors
11.44 Storm Water Management and Drainage
11.48 Citations for Violations of Codes

CHAPTER 11.04

PERMIT FEES

Sections:

11.04.01 General requirements
11.04.02 Fees for applying for and obtaining building permits
11.04.03 Fees for applying for and obtaining electrical permits
11.04.04 Fees for applying for and obtaining plumbing/fuel gas permits
11.04.05 Fees for applying for and obtaining HVACR permits
11.04.06 Work commencing before permit issuance
11.04.07 Expiration
11.04.08 Suspension or revocation
11.04.09 Adjustments
11.04.010 Issuance
11.04.011 Certificate of registration for single-family dwelling

11.04.01 General requirements Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to

erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Department Supervisor or his/her authorized agent and obtain the required permit.

No permit as required by Ord. No. O-10-1 shall be issued until the fee prescribed by this ordinance shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any due, shall have been paid. Fees include both application fee and permit fee. (Ord. No. O-10-2, Sec. 1.)

11.04.02 Fees for applying for and obtaining building permits All applications for permits shall be made on suitable forms and shall be accompanied by fees in accordance with the following schedule:

A. Work exempt from permit shall be according to the Arkansas Fire Prevention Code 2012 Edition, Vol. II Building, Sec. 105-2, excluding Building: Item 1; and the Arkansas Fire Prevention Code 2012, Vol. III Residential, Sec. R105.2, excluding Building: Item 1. Said fee is to be on a per thousand dollar basis for all commercial, industrial, and multi-family structures, and on a square footage basis for all one-family and two-family dwellings as mentioned below. The application fee shall be Ten Dollars ($10.00) per permit and the minimum permit fee for any permit shall be Five Dollars ($5.00). (Ord. No. O-15-08, Sec. 1.)

1. For a permit for the construction or alteration of all commercial, industrial, and multi-family (three or more units) buildings or structures, including accessory structures and for the construction of swimming pools, the application fee shall be Ten Dollars ($10.00) and the building permit fee shall be Two Dollars ($2.00) per thousand dollars of the valuation based on the building valuation data furnished by the International Code Council or the contract amount, whichever is greater. (Ord. No. O-15-08, Sec. 2.)

2. For a permit for the construction or alteration of one-family dwellings and two-family dwellings, including accessory structures, the application fee shall be Ten Dollars ($10.00) and the building permit fee shall be based upon the square footage of the building at Eight Cents ($.08) per square foot of the building area as defined in the Residential Code.

B. For a permit for the removal of a building or structure to a new location, whether on the same or a new lot, the application fee shall be Ten Dollars ($10.00) and the permit fee shall be Fifteen Dollars ($15.00).

C. For a permit for the demolition of a building or structure, the application fee shall be Ten Dollars ($10.00) and the permit fee shall be one cent ($.01) for each square foot of floor area. For the purpose of this section, the term “floor area” shall be the sum of the areas of all floors of the building, measured to the exterior

face of the building walls. The minimum permit fee shall be Five Dollars ($5.00).

D. See 11.04.06, Work commencing before permit issuance.

E. See 11.04.07, Expiration

F. See 11.04.08, Suspension or revocation.

G. See 11.04.09, Adjustments.

H. An inspection fee of Seven Dollars and Fifty Cents ($7.50) shall be charged for each trip on the part of the Building Inspector caused by the negligence of the contractor, for not being ready for a requested inspection, for re-inspection of a corrected installation or for the convenience of the contractor. (Ord. No. O-10-2, Sec. 2.)

11.04.03 Fees for applying for and obtaining electrical permits All applications for permits shall be made on suitable forms and shall be accompanied by fees in accordance with the following schedule:

A.

Application fee	$10.00 per permit plus
Minimum permit fee	$5.00
First 10 outlets	$.75 each
11 – 100 outlets	$.40 each
101 to 500 outlets	$.25
501 outlets and up	$.15
Service to and including 100 amps	$10.00
Service to and including 200 amps	$15.00
Service to and including 400 amps	$25.00
Service to and including 600 amps	$40.00
Service over 600 amps	$60.00
Motors 1 Hp up to and including 5 Hp	$5.00
Motors 6 Hp and up	$5.00 + $.25 per Hp

B. See 11.04.07, Work commencing before permit issuance.

C. See 11.04.08, Expiration

D. See 11.04.09, Suspension or revocation.

E. See 11.04.10, Adjustments.

F. An inspection fee of Seven Dollars and Fifty Cents ($7.50) shall be charged for each trip on the part of the Electrical Inspector caused by the negligence of the contractor, for not being ready for a requested inspection, for re-inspection of a

corrected installation or for the convenience of the contractor. (Ord. No. O-10-2, Sec. 3.)

11.04.04 Fees for applying for and obtaining plumbing/fuel gas permits All applications for permits shall be made on suitable forms and shall be accompanied by fees in accordance with the following schedule:

A.	Application fee	$10.00 per permit plus
	Minimum permit fee	$5.00
	Each plumbing fixture outlet or appliance, grease and/or water and/or waste discharging device	$3.00
	Each sewer connection	$10.00
	Each septic tank	$25.00
	Each clearance	$10.00
	Each gas connection	$10.00
	Each lawn sprinkler system	$25.00

B. See 11.04.06, Work commencing before permit issuance.

C. See 11.04.07, Expiration

D. See 11.04.08, Suspension or revocation.

E. See 11.04.09, Adjustments.

F. An inspection fee of Seven Dollars and Fifty Cents ($7.50) shall be charged for each trip on the part of the Plumbing Inspector caused by the negligence of the contractor, for not being ready for a requested inspection, for re-inspection of a corrected installation or for the convenience of the contractor. (Ord. No. O-10-2, Sec. 4.)

11.04.05 Fees for applying for and obtaining HVACR permits All application for permits shall be made on suitable forms and shall be accompanied by fees in accordance with the following schedule:

A.	Application fee	$10.00 per permit plus
	Minimum permit fee	$5.00

Permit fees shall be $10.00 for the first $1,000.00 of the valuation of the installation or job, or fraction thereof, plus $2.00 for each additional $1,000.00 or fraction thereof.

B. See 11.04.06, Work commencing before permit issuance.

C. See 11.04.07, Expiration

D. See 11.04.08, Suspension or revocation.

E. See 11.04.09, Adjustments.

F. An inspection fee of Seven Dollars and Fifty Cents ($7.50) shall be charged for each trip on the part of the HVACR Inspector caused by the negligence of the contractor, for not being ready for a requested inspection, for re-inspection of a corrected installation or for the convenience of the contractor. (Ord. No. O-10-2, Sec. 5.)

11.04.06 Work commencing before permit issuance Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the permits required by this code shall be subject to a penalty of One Hundred Dollars ($100.00) or one hundred percent (100%) of the usual permit fee, whichever is greater, in addition to the required permit fees. (Ord. No. O-10-2, Sec. 6.)

11.04.07 Expiration Every permit issued shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The Building Department Supervisor or his/her agent is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated. (Ord. No. O-10-2, Sec. 7.)

11.04.08 Suspension or revocation The Building Department Supervisor or his/her agent is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. (Ord. No. O-10-2, Sec. 8.)

11.04.09Adjustments

A. Refunds will not be granted for invalid permits as set forth in 11.04.07.

B. In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, and an adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of a permit, a similar adjustment and return may be made, provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new permit has been issued.

C. The term “estimated cost” as used in this section, means the reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work

ready for occupancy, provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost. (Ord. No. O-10-2, Sec. 9.)

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

Any building permit issued under the provisions of this chapter will remain valid only for a period of ninety (90) days from its date of issue, and will become void if construction has not begun within that period, or unless it is renewed within that period.

11.04.011 Certificate of registration for single-family dwelling

A. Applications to the Arkadelphia City Engineer and the Arkadelphia Building Inspector for the issuance under Ordinance No. B-243 of a permit for the construction of a dwelling, from one to four units in design, intended principally for residential purposes, shall include a copy of such applicant's Certificate of Registration issued by the Secretary of State of the state of Arkansas pursuant to the provisions of Act 859 of the Acts of Arkansas of 1987, as the same may be amended from time to time, and a statement by such applicant that such Certificate of Registration is in full force and effect.

B. The requirements of this Ordinance shall be deemed to be independent of the requirements of any other ordinance for the issuance of permits for such construction.

C. The provisions of this ordinance are hereby declared to be separable, and if any section, phrase or provision hereof shall, for any reason, be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions hereof. (Ord. No. O-92-4, Sees. 1-3.)

CHAPTER 11.08

ADOPTION OF STANDARD CODES

Sections:

11.08.01 Standard codes adopted by reference
11.08.02 Violations

11.08.01 Standard codes adopted by reference The following codes are hereby adopted by reference as though they were copied herein fully:

A. The Arkansas Fire Prevention Code, 2012 Edition, to include Volume I Fire Code; Volume II Building Code, excluding Section 105.2, Building: Item 1; and Volume III Residential code, excluding Section R1-5.2, Building: Item 1. (Ord. No. O-15-06, Sec. 1.)

B. The National Electrical Code, 2014 Edition, as published by the National Fire Protective Association, Pamphlet No. 70, excluding Annexes A through H. (Ord. No. O-15-06, Sec. 1.)

C. Annex 1: Administration and Enforcement Article for the NFPA 70 National Electrical Code, 2014 for the city of Arkadelphia, Arkansas. (Ord. No. O-15-06, Sec. 1.)

D. The Arkansas Mechanical Code, 2010, based on the 2009 International Mechanical Code. (Ord. No. O-12-3, Sec. 1.)

E. The Arkansas Plumbing Code, 2006, based on the 2006 International Plumbing Code. (Ord. No. O-10-1, Sec. 1.)

F. The Arkansas Fuel Gas Code, 2006, based on the 2006 International Fuel Gas Code. (Ord. No. O-10-1, Sec. 1.)

G. Arkansas Energy Code 2011. (Ord. No. O-12-16, Sec. 1.)

H. The Southern Standard Housing Code, 1969 Edition, as amended (Ord. No. B-245, § 3-20-69.

11.08.02 Violations Violation of any code provision as mentioned above is hereby declared to be a misdemeanor, punishable by a fine of up to One Thousand Dollars ($1,000.00) and imprisonment in the county jail for a maximum of one (1) year with each day the codes are not complied with being a separate violation. (Ord. No. O-10-1.)

CHAPTER 11.12

BUILDING AND ELECTRICAL CODE

Sections:

11.12.01 Establishment of the office of Building Inspector
11.12.02 Qualifications of Building Inspector
11.12.03 Duties of Building Inspector
11.12.04 Right to enter

11.12.01 Establishment of the office of Building Inspector

A. The office of Building Inspector is hereby created and the executive official in charge shall be known as the Building Inspector.

B. The Building Inspector shall be appointed by the Mayor with the approval of the Board of Directors for the city of Arkadelphia. His appointment shall continue at the pleasure of the Board of Directors.

C. During temporary absence or disability of the Building Inspector, the appointing authority shall designate an Acting Building Inspector or Inspectors. (Ord. No. B-243, Sec. 2.)

11.12.02 Qualifications of Building Inspector To be eligible to appointment, the candidate for the position of Building Inspector shall be in good health, physically capable of making the necessary examinations and inspections, and shall have a good knowledge of building construction and electrical wiring. He shall not have any interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building, construction, alteration, removal and demolition, and he shall own no interest, either equitable or proprietary, in any business engaging in building construction, electrical wiring or repair in the city. (Ord. No. B-243, Sec. 3.)

11.12.03Duties of the Building Inspector

A. The Building Inspector shall receive applications required by this ordinance, issue permits and furnish the prescribed certificates or permits. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building and the electrical code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code or the Electrical Code and to render written reports on the same. He shall enforce compliance with this ordinance and shall

have the power to issue such notices or orders to comply with the provisions of this ordinance as may be necessary.

B. Inspections required under the provisions of the Building Code and the Electrical Code shall be made by the Building Inspector or his duly appointed representative. The Inspector may accept reports of inspectors of recognized inspection services after investigation of their qualifications and reliability. No certificates called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to be a responsible officer of such service.

C. The Building Inspector shall keep detailed records of applications or permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in the process of construction or remodeling and shall keep the same thereafter for such period as in his discretion is deemed advisable.

D. All such records shall be open to public inspection for good and sufficient reasons, but shall not be removed from the office of the Building Inspector without his written consent.

E. The Building Inspector shall make written reports to the Board of Directors once each month or more often if requested, including statement of permits and certificates issued, and orders promulgated. (Ord. No. B-243, Sec. 4.)

11.12.04 Right to enter The Building Inspector, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour for the purpose of inspection. (Ord. No. B-243, Sec. 5.)

CHAPTER 11.16

HOUSING CODE

Sections:

11.16.01 Administration of code

11.16.01 Administration of code The provisions of this code shall be administered by the Building Inspector for the city of Arkadelphia, Arkansas, or his duly appointed representative.

CHAPTER 11.20

CONDEMNED STRUCTURES

Sections:

11.20.01	Unlawful
11.20.02	Condemnation required
11.20.03	Description of property
11.20.04	Notice
11.20.05	Removal
11.20.06	Duties of Building Department Supervisor
11.20.07	Proceeds of sale
11.20.08	Enforcement of lien
11.20.09	Penalty
11.20.010	Judicial condemnation

11.20.01 Unlawful It shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the city of Arkadelphia, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the Board of Directors. (Ord. No. O-15-04, Sec. 1.)

11.20.02 Condemnation required Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the Board of Directors, will be condemned to insure the removal thereof as herein provided. (Ord. No. O-15-04, Sec. 2.)

11.20.03 Description of property The resolution of the Board of Directors condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate legal 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. (Ord. No. O-15-04, Sec. 3.)

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 record owner or owners thereof 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 record owner or owners of said house, building and/or structure be unknown, the posting of the said resolution as hereinabove provided will suffice as notice. (Ord. No. O-15-04, Sec. 4.)

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 Department Supervisor or his duly designated representative. (Ord. No. O-15-04, Sec. 5.)

11.20.06 Duties of Building Department Supervisor The Building Department Supervisor 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 end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. O-15-04, Sec. 6.)

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 ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials thereof be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. O-15-04, Sec. 7.)

11.20.08 Enforcement of lien If the city has any net costs in removal of any house, building or structure, the city shall have a lien on the property as provided by Section 1 of Act 80 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 Circuit Court, or

B. The amount of the lien herein provided may be determined at a hearing before the Board of Directors of the city of Arkadelphia 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 or city wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Circuit Court, and the amount so determined at said hearing, plus ten 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. (Ord. No. O-15-04, Sec. 8.)

11.20.09 Penalty A fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00) is hereby imposed against the owner or owners of any

house, building and/or structure found and declared to be a nuisance by resolution of the Board of Directors thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars ($250.00) for each said separate and distinct offense provided the notice as herein provided in 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. (Ord. No. O-15-04, Sec. 9.)

11.20.010 Judicial condemnation In the event it is deemed advisable by the Board of Directors that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the Board of Directors 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 provided for by law in such cases in a court of equity or Circuit Court. When any such house, building, and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of 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. 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 Department Supervisor or other person or persons referred to in 11.20.05 of this ordinance will take such action as provided in 11.20.06 hereof, and 11.20.07 of this ordinance 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. (Ord. No. O-15-04, Sec. 10.)

CHAPTER 11.24

ENERGY EFFICIENCY STANDARDS

Sections:

11.24.01 Adoption

11.24.01 Adopted There is hereby adopted by the City Board of Arkadelphia, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk of the city of Arkadelphia, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Arkadelphia, Arkansas. (Ord. No. O-12-16, Sec. 1.)

CHAPTER 11.28

FAIR HOUSING

Sections:

11.28.01 Declaration of policy
11.28.02 Definitions
11.28.03 Acts prohibited by this ordinance
11.28.04 Acts not prohibited by this ordinance
11.28.05 Provisions of enforcement
11.28.06 Complaints

11.28.01 Declaration of policy

A. It is hereby declared to be the policy of the city of Arkadelphia, Arkansas, to bring about, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to race, color, religion, national origin or sex and this ordinance shall commonly be referred to as the "Fair Housing Ordinance" for the city of Arkadelphia, Arkansas.

B. It is further declared that this policy is grounded upon a recognition of the right of every person to have access to adequate housing of their choice without regard to race, color, religion, national origin or sex and further, that the denial of such right through considerations based on race, color, religion, national origin or sex is detrimental to the health, safety, morals and welfare of the community and its inhabitants and constitutes an unjust denial or deprivation of such rights which is within the power and responsibility of government to prevent. (Ord. No. B-380, Sec. 1.)

11.28.02 Definitions

Conciliation agreement means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to be both complaint(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

Conciliation failure means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin or sex or in the aiding, abetting, inciting, coercing or compelling thereof.

Dwelling means any building, structure or portion thereof which is occupied as a residence by one or more families, any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure or portion thereof.

Fair Housing Officer means the individual designated that title and position by the Mayor to carry out any or all duties, obligations, rights or powers under the provisions of this ordinance.

Lending institution means any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money, any of which are secured by title to mortgage, assignment of beneficial interest or security interest in real property.

Owner means any person who holds legal or equitable title to or owns any beneficial interest in any real property of who holds legal or equitable title to shares of or holds any beneficial interest in any real estate cooperative which owns any real property.

Real estate operator means any individual or combination of individual labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its

agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate or the improvements thereon, including options or what derives income in whole or in part from the sale, purchase, exchange, rental or lease of rental estate or an individual employed by or acting on behalf of any of these.

Real estate broker or real estate salesman means an individual whether licensed or not, who, on behalf of others for a fee, commission, salary or other valuable consideration or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate or the improvements thereon, including options or who negotiates or attempts to negotiate on behalf of others such an activity or who advertises or hold themselves out as engaging in such activities or who negotiates or attempts negotiation on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate or who is engaged in the business of charging an advance or contracting for collection of a fee in connection with a contract whereby he/she undertakes to promote the sale, purchase, exchange, rental or lease or real estate through its listing in a publication issued primarily for such purpose or an individual employed by or acting on behalf of any of these.

To rent includes to lease, to sub-lease, to let, and otherwise to grant for consideration the right to occupy premises not owned by the occupant. (Ord. No. B-380, Sec. 2.)

11.28.03 Acts prohibited by this ordinance

A. It shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex or national origin.

2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection wherewith because of race, color, religion, sex or national origin.

3. To make, print, publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin or an intention to make any such preference, limitation or discrimination.

4. To represent to any person because of race, color, religion, sex or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into

the neighborhood of a person or persons of a particular race, color, religion, sex or national origin.

6. To deny any person access to or membership or participation in any multiple-listing service, real estate brokers; organization or other service, organization or facility relating to the business of selling or renting such access, membership or participation on account of race, color, religion, sex or national origin.

B. Discrimination in the financing of housing It shall be unlawful for any bank, building, or loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling or to discriminate against him/her in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance for the purposes of such loan or other financial assistance to the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

C. Conspiracy to violate this ordinance unlawful It shall be unlawful practice for a person or for two or more persons to conspire:

1. To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this ordinance or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this ordinance.

2. To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this ordinance.

3. To obstruct or prevent a person from complying with the provisions of this ordinance or any order issued thereunder.

4. To resist, prevent impede or interfere with the enforcing agent(s) in the lawful performance of duty under this ordinance. (Ord. No. B-380, Sec. 3.)

11.28.04 Acts not prohibited by this ordinance The following acts are not covered by this ordinance. It is important to remember however that these acts may be covered by the 1966 Civil Rights Act when discrimination based on race occurs in connection with such acts.

A. The sale or rental of single-family houses owned by a private individual owner of three (3) or fewer such single-family houses if:

1. A broker is not used.

2. Discriminatory advertising is not used.

3. No more than one (1) house in which the owner was not the most recent resident sold during any two (2) year period.

B. Rentals of rooms or units in owner-occupied dwellings for two (2) or four (4) families if discriminatory advertising is not used.

C. Limiting the sale, rental or occupancy of dwellings which a religious organization owns or operates for, other than a commercial purpose, to persons of the same religion if membership in that religion is not restricted on account of race, color, national origin or sex.

D. Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than commercial purposes. (Ord. No. B-380, Sec. 4.)

11.28.05 Provisions for enforcement

A. The Mayor shall designate a competent person as Fair Housing Officer who shall have the responsibility for implementing this ordinance.

B. Any person claiming to be aggrieved by a violation of this ordinance may, within sixty (60) days of the alleged violation, file a written complaint (notarized if possible) with the Fair Housing Officer. The complaint shall contain the name of the alleged violator(s) or set forth facts sufficient to identify such person(s) and include an outline of the material facts upon which the complaint is based and the date of the alleged violation. Proper forms will be provided by the Fair Housing Officer.

C. The Fair Housing Officer shall furnish a copy of the complaint to the person(s) against whom the complaint is made by certified mail - return receipt requested. The Fair Housing Officer shall conduct an inquiry to determine if there is sufficient data to substantiate the complaint. During the course of an inquiry being conducted as a result of a complaint filed under this ordinance, the Fair Housing Officer may, at any reasonable time, request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph and copy evidence.

D. If the Fair Housing Officer determines that there is substantial data to support the complaint, an effort to eliminate the violation shall be made by conference, conciliation and persuasion. The Fair Housing Officer is authorized to work toward conciliation agreements where under the alleged violation is eliminated and the complaining person(s) made whole to the extent possible. If such an

agreement is reached, it will be signed by the Fair Housing Officer, the complainant and the person(s) charged. It will not be necessary for any conciliation agreement to contain a declaration or finding that a violation has in fact occurred. If the Fair Housing Officer shall fail by conciliation to accomplish the elimination of the alleged unlawful discriminatory practice, the complaint and all records and findings relating thereto shall be turned over to the City Attorney for appropriate action to secure enforcement of this ordinance. The City Attorney shall institute a misdemeanor proceeding in the District Court unless such attorney shall determine that such proceeding could not lawfully be sustained.

E. If the Fair Housing Officer determines that the person(s) charged has not engaged in an unlawful practice, he shall state his findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the person(s) charged, the City Attorney and such other public officials, officers, and persons as deemed proper. The complainant will be advised of the right to file an appeal with the Mayor within fifteen (15) days of receipt of letter or file a complaint under other federal, state or local statutes. HUD Form 903 can be obtained from the Fair Housing Officer for filing complaints with the U.S. Department of Housing and Urban Development (HUD). (Ord. No. O-15-10, Sec. 1.)

F. Affirmative action negotiated through conciliation and under this section may include, but not be limited to:

1. Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the person(s) charged.

2. Reporting as to the manner of compliance.

3. Posting notices in conspicuous places in the person(s)'s changed place of business in a form prescribed by the Fair Housing Officer.

4. Sale, exchange, lease, rental, assignment, or sub-lease of real property to an individual.

G. The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this ordinance.

H. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than Five Hundred Dollars ($500.00) for each violation thereof. (Ord. No. B-380, Sec. 5.)

11.28.06 Complaints Nothing in this ordinance shall be construed as an administrative prerequisite to a citizen pursuing his or her rights under any other federal, state or local statute, case decision or administrative ruling. Complaints may be filed at any time with the Department of Housing and Urban Development (HUD) within one hundred eighty (180) days

of the alleged discriminatory act. (Ord. No. B-380, Sec. 6.)

CHAPTER 11.32

GAS CODE

Sections:

11.32.01 Administration of code

11.32.01 Administration of code The provisions of this code shall be administered by the Plumbing Inspector for the city of Arkadelphia, Arkansas. (Ord. No. B-244, Sec. 2.)

CHAPTER 11.36

MECHANICAL CODE

Sections:

11.36.01 Adoption of Code
11.36.02 Amended
11.36.03 Publication; penalty

11.36.01 Adoption of Code There is hereby adopted by the city of Arkadelphia, Arkansas, the Arkansas Mechanical Code, as recommended by the International Code Congress, being particularly the most recent edition thereof. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For the purpose of this ordinance, the City Engineer, his or her assistants, or any individual assigned by the City Manager, shall be the "Administrative Authority" authorized to enforce the provisions of the Mechanical Code. (Ord. No. O-95-12, Sec. 1.)

11.36.02 Amended The aforementioned Code shall be amended as follows:

Arkansas Mechanical Code, 2010, based on the 2009 International Mechanical Code. (Ord. No. O-12-3, Sec. 1.)

11.36.03 Publication; penalty Three (3) copies of this code have been and are now on

file in the office of the Clerk and/or City Engineer of the city of Arkadelphia, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Arkadelphia, Arkansas, except as regulated by other ordinances of the city of Arkadelphia, Municipal Code.

Penalty Violation of any code provision is hereby declared to be a misdemeanor, punishable by a fine up to One Thousand Dollars ($1,000.00) and imprisonment in the county jail for a maximum of one (1) year with each day the codes are not complied with being a separate violation. (Ord. No. O-12-1, Sec. 2.)

CHAPTER 11.40

AUTHORIZATION FOR CONTRACTORS

Sections:

11.40.01 Definition of contractor
11.40.02 Requirements
11.40.03 Permit
11.40.04 Fine
11.40.05 Exception to work
11.40.06 Annual registration

11.40.01 Definition of contractor **Contractor** is one who contracts to perform work at a certain price or rate. All contractors who perform services for new construction of buildings and structures, alterations to outside dimensions, modifications of weight-bearing walls, demolition, and the removal and placement of structures; plumbing, HVACR, and electrical work in, on, or around structures in the city of Arkadelphia, Arkansas, must register with the city and meet the requirements of this ordinance prior to performing any construction work. (Ord. No. O-00-8, Sec. 1.)

11.40.02 Requirements Contractors must provide the following in order to be allowed to perform any services.

A. A $10,000 license and permit bond with the city of Arkadelphia named as obligee must be filed with the city.

B. Agree that all services performed within the city of Arkadelphia for any citizen, or owner of property shall carry, as part of the contract, (whether oral or written), an implied warranty of habitability, merchantability and fitness for owners' needs for a period of one year from the date of completion of work.

C. Contractors that are required to have a state license must present the license at the time of registration with the city. (Ord. No. O-00-8, Sec. 2.)

11.40.03 Permit After the person or firm has met the above requirements, the city will issue a permit authorizing them to provide their services in the city. (Ord. No. O-00-8, Sec. 3.)

11.40.04 Fine Anyone failing to qualify, and who performs work in the city of Arkadelphia without obtaining a permit from the city shall be guilty of a misdemeanor and be subject to a daily fine of One Hundred Dollars ($100.00) for each day the contractor is in violation, and shall be prosecuted to the full extent of law. (Ord. No. O-00-8, Sec. 4.)

11.40.05 Exception to work This ordinance does not apply to work of a cosmetic nature

such as painting, floor covering and wall covering, nor does it apply to any contractor who is performing services in the city that do not require a permit from the city to perform said work. (Ord. No. O-00-8, Sec. 5.)

11.40.06 Annual registration All contractors are required to register with the city annually and to pay an annual fee of Twenty Dollars ($20.00). (Ord. No. O-00-8, Sec. 6.)

CHAPTER 11.44

STORM WATER MANAGEMENT AND DRAINAGE

Sections:

11.44.01 Purpose and definitions
11.44.02 Drainage system
11.44.03 Submission, review and approval of plans
11.44.04 Design and performance standards
11.44.05 Bonds, maintenance assurance and drainage approvals
11.44.06 Enforcement
11.44.07 General provisions
11.44.08 Liability

11.44.01 Purpose and definitions

A. Title These regulations shall hereafter be known, cited and referred to as the Stormwater Management and Drainage Regulations of the city of Arkadelphia, Arkansas. (Ord. No. O-04-10, Sec. 1.1)

B. Authority These regulations are adopted pursuant to the power and authority vested through the applicable laws and statues of the state of Arkansas. (Ord. No. O-04-10, Sec. 1.2)

C. Applicability Any person, firm, corporation or business proposing to construct a building or develop land within the Arkadelphia planning jurisdiction shall submit drainage plans to the City Engineer for approval of a stormwater management and drainage plan before building permits are issued or subdivisions are approved. No land shall be developed except upon approval of the City Engineer. (Ord. No. O- 04-10, Sec. 1.3)

D. Exemptions All construction, subdivision approvals or remodeling activities shall have a stormwater management and drainage plan approved before a building permit is issued or subdivision is approved except for the following:

1. One – new or existing single-family structure.
2. One – new or existing duplex family structure.

3. One – new commercial or industrial structure located on less than one-acre individual lot.
4. One-existing commercial or industrial structure where additional structural improvements are less than 5,000 square feet. (Ord. No. O-04-10, Sec. 1.4)

E. Purpose In order to promote the public health, safety and general welfare of the citizens of Arkadelphia, the provisions of these regulations, as amended from time to time, are intended to:

1. Reduce property damage and human suffering, and

2. To minimize the hazards of personal injury and loss of life due to flooding, to be accomplished through the approval of a stormwater management and drainage plan pursuant to the provisions of these regulations, which

a. Establish the major and minor stormwater management systems,
b. Define and establish stormwater management practices and use restrictions, and
c. Establish guidelines for handling increases in volume and peak discharges of runoff. (Ord. No. O-04-10, Sec. 1.5)

F. Definitions For the purpose of this ordinance, certain terms and words shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular shall include the plural, and vice-versa; and words, "These regulations," mean "this ordinance;" the word, "person," includes corporation, partnership, and unincorporated association of persons; and the word, "shall," is always mandatory.

Base flood – a flood that has a one percent (1%) chance of being equaled or exceeded in any given year, i.e., the 100-Year Flood.

Bond – any form of security for the completion or performance of the stormwater management and drainage plan or the maintenance of drainage improvements, including surety bond, collateral, property or instrument of credit, or escrow deposit in an amount and form satisfactory to the City Engineer.

Building – any structure built for the support, shelter or enclosures of persons, animals, or movable property of any kind.

Channel – course of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water, and which has a definite bed and banks.

Conduit – any open or closed device for conveying flowing water.

Control – the hydraulic characteristic which determines the state-discharge relationship in a conduit. The control is usually critical depth, tail water depth, or uniform depth.

Detention basins – any man-made area which serves as means of controlling and temporarily storing stormwater runoff. The facility normally drains completely between spaced runoff events, e.g., parking lots, rooftops, athletic fields, dry wells, oversized storm drain pipes.

Detention – the temporary detaining or storage of floodwater in reservoirs, on parking lots, on rooftops and other areas under predetermined and controlled conditions accompanied by controlled release of the stored water.

Detention pond – a stormwater detention facility which maintains a fixed minimum water elevation between runoff events except for the lowering resulting from losses of water to infiltration or evaporation.

Development – any change of land use or improvements on any parcel land.

Differential runoff – the volume and rate of flow of stormwater runoff discharged from a parcel of land or drainage area which is or will be greater than the volume and rate which pertained prior to proposed development or redevelopment existed.

Drainage approval – a certificate of approval issued by the City Engineer based upon an approved final stormwater management and drainage plan. The final stormwater management and drainage plan must accompany the building permit application or be submitted with the proposed construction plans.

Drainage easement – authorization by a property owner for use by another party or parties for all or any portion of his/her land for a drainage and adjoining utility purposes. Easements shall be dedicated to the city when required or approved by the City Engineer.

Engineer of record – a registered professional engineer in Arkansas. This engineer shall supervise the design and construction of the project and shall be acceptable by the City Engineer.

Floodplain – a land area adjoining a river, stream, watercourse, or lake which is likely to be flooded.

Floodway – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without a cumulative increase of the water surface elevation more than a designated height.

Freeboard – a factor of safety expressed as the difference in elevation between the top of the detention basin dam, levees, culvert entrances and other hydraulic structures, and the design flow elevation.

Frequency – the reciprocal of the exceedance probability.

Habitable dwelling unit – a dwelling unit intended and suitable for human habitation.

Major storm easements – privately maintained areas designed to carry the 100-year storm with no obstructions allowed such as fill or fences that would impede floodwater flow. Properly designed landscaping that does not impede floodwater or endanger adjacent property may be allowed.

Minor storm easements – public maintained areas designed to carry the storm other than the 100-year storm, provide access for maintenance, and prevent channel obstructions.

On-site detention – temporary storage of runoff on the same land development site where the runoff is generated.

On-stream detention – temporary storage of runoff within a principal drainage system, i.e., in the receiving streams or conduits.

Off-stream detention – temporary storage accomplished off-line, i.e., not within a principal drainage system.

100-year storm – rainstorms of a specified duration having a one percent (1%) chance of occurrence in a given year.

100-year peak flow – the peak rate of flow of water at given point in a channel, watercourse or conduit resulting from the base flood.

Permittee – a person, partnership or corporation to whom a permit is granted.

Plat – a legally recorded plat of a parcel of land subdivided into lots with streets, alley, easements and other land lines drawn to scale.

Project – any development involving the construction, reconstruction or improvement of structures and/or grounds.

Rational method – an empirical formula for calculating peak rates of runoff resulting from rainfall.

Retention facility – any type of detention facility not provided with a positive outlet.

Stormwater drainage design manual and floodplain compliance guidelines – the set of drainage policies, analysis methods, design charts, stormwater runoff methods, and design standards used by the city as the official design guidelines for drainage improvements consistent with the ordinance. The City Engineer will make any mediation consistent with the stated policies and intent of the ordinance.

Stormwater runoff – water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation,

which flows over the ground surface.

Structure – any object constructed above or below ground. Pipes, manholes and certain other utility structures which exist underground may be excluded from the definition.

Swale – a shallow waterway.

Time of concentration – the estimated time in minutes required for runoff to flow from the most remote section of the drainage area to the point at which the flow is to be determined.

Tributary area – all of the area that contributes stormwater runoff to a given point.

Uniform channel – a channel with a constant cross section and roughness.

Wet bottom basin – a detention basin intended to have a permanent pool

Watercourse – any surface stream, creek, brook, branch, depression, reservoir, lake, pond or drainage way in or into which stormwater runoff flows. (Ord. No. O-04-10. Sec. 1.6)

11.44.02 Drainage system

A. General This article establishes the stormwater runoff management system of the city of Arkadelphia which shall be composed of a major system and minor system, management controls and management practices. (Ord. No. O-04-10, Sec. 2.1)

B. The major system The major system is the area of any drainage way within the limits of flow of a 100 year storm. (Ord. No. O-04-10, Sec. 2.2

C. The minor system The minor systems will be composed of all water course and drainage structures, both public and private, that are not part of the major system, because of lower design storm frequencies. (Ord. No. O-04-10, Sec. 2.3)

D. Management controls Management controls are regulations applicable to the major systems under the provisions of this ordinance. Such controls shall limit any activity which adversely effects the hydraulic function of open channels, drainage swales, detention facilities, or enclosed stormwater conveyance systems. The *City of Arkadelphia Stormwater Drainage Design Manual and Floodplain Compliance Guidelines* shall be the official document used for designing stormwater management controls and drainage systems. (Ord. No. O-04-10, Sec. 2.4)

E. Management practices The following practices may be utilized on approval by the City Engineer:

1. Storage Runoff may be stored in temporary or permanent detention basins, or through rooftop, parking lot ponding, or percolation storage, or by other

means in accordance with the design criteria and performance standards set forth in these regulations.

2. Open channels Maximum feasible use shall be made of existing drainage ways, open channels and drainage swales that are designed and coordinated with the design of building lots and streets in accordance with the design of building lots and streets in accordance with the design criteria and performance standards set forth in the Drainage Manual.

3. Curbs Streets, curbs and gutters shall be a part of the stormwater runoff management systems. To the maximum extent possible, drainage systems, street layout and grades, lotting patterns and the location of curbs, inlets and site drainage and overflow swales shall be concurrently designed in accordance with design criteria and performance standards set forth in the Drainage Manual.

4. Enclosed conveyance systems Enclosed conveyance systems consisting of inlets, conduits, and manholes may be used to convey stormwater runoff. Where used, such systems must be designed and performance set forth in the Drainage Manual.

5. Other The stormwater runoff management practices enumerated herein shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be approved by the City Engineer, if the purposes, design criteria and minimum performance standards of these regulations are complied with. (Ord. No. O-04-10, Sec. 2.5)

F. Public and private responsibilities under the stormwater management system

1. Public responsibilities

a. Administration Administration of these regulations shall be the responsibility of the City Engineer who shall determine approval, disapproval, or modification of stormwater management plans as provided herein.

b. Operation and maintenance of publicly owner facilities The city Public Works Department shall be responsible after construction for the operation and maintenance of all drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

2. Private responsibilities

a. Each developer of land within the city has responsibility to provide on the developer's property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's property both during and after construction of such facilities.

b. Each developer or owner has a responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants. (Ord. No. O-04-10, Sec. 2.6)

11.44.03 Submission, review and approval of plans

A. General The stormwater management and drainage plan shall be prepared by the Engineer of Record who is a licensed professional engineer of the state of Arkansas. No building permits or subdivision approvals shall be issued until and unless the stormwater management and drainage plan has been approved by the City Engineer. (Ord. No. O-04-10, Sec. 3.1)

B. Pre-preliminary drainage plan review A pre-preliminary drainage plan review with the engineering staff is suggested before preliminary platting for the purpose of overall general drainage concept review. (Ord. No. O-04-10, Sec. 3.2)

C. Review of preliminary stormwater and drainage plan A preliminary stormwater and drainage plan, and accompanying information shall be submitted at the time of preliminary plat submittal. If needed, a review meeting will be scheduled by the City Engineer with representatives of the developer, including the Engineer of Record, to review the overall concepts included in the preliminary stormwater and drainage plan. The purpose of this review shall be to jointly agree upon an overall stormwater management concept for the proposed development and to review criteria and design parameters which shall apply to final design of this project. (Ord. No. O-04-10, Sec. 3.3)

D. Final stormwater management and drainage plan Following the preliminary stormwater management and drainage plan review, the final stormwater management and drainage plan shall be prepared for each phase as developed. The final plan shall constitute a refinement of the concepts approved in the preliminary stormwater and drainage plan with preparation and submittal of detailed information as required in the Drainage Manual. This plan shall be submitted at the time construction drawings are submitted for approval. No final plat is approved until the drainage structures approved on the construction plans are in place and approved by the City Engineer. (Ord. No. O-04-10, Sec. 3.4)

E. Review and approval of final stormwater management and drainage plans Final stormwater management and drainage plans shall be reviewed by the City Engineer. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria, and performance standards of these regulations and will not be detrimental to the public health, safety and general welfare, the City Engineer shall approve the plan or conditionally approve the plan, setting forth the conditions thereof.

If it is determined that the proposed development will not control stormwater runoff in accordance with these regulations, the City Engineer shall disapprove the final stormwater management and drainage plan.

If disapproved, the application and data shall be returned to the applicant for resubmittal.

(Notes: Time frames for filing, review and approval of stormwater management and drainage plans shall coincide with time periods applicable in existing subdivision regulations.) (Ord. No. O-04-10, Sec. 3.5)

11.44.04 Design and performance standards

A. Design criteria The city of Arkadelphia's *Stormwater Drainage Design Manual and Floodplain Compliance Guidelines* shall be the accepted design document. Unless otherwise provided, the following rules shall govern the design and improvements with respect to managing stormwater runoff:

1. Method of determining stormwater runoff Developments where the upstream drainage area contributing runoff is less than three hundred (300) acres should be designed using the rational method of calculating runoff. Developments where the area contributing runoff is greater than 300 acres the Snyder's Unit Hydrograph Method shall be used for calculating runoff. The U.S. Army Corps of Engineers HEC-1 or HEC-HMS program should be used to calculate flows or discharges. The applicant may also submit an alternative hydrograph method of evaluation for the calculation of runoff to the City Engineer for review and approval. All such development proposals shall be prepared by a licensed professional engineer of the state of Arkansas.

2. Development design Streets, lot depths of lots, parks and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow, allow maximum opportunity for infiltration stormwater to the ground, and to preserve and utilize existing and planned streams, channels, extension basins, and include wherever possible, streams and floodplains within parks and other public grounds.

3. Enclosed systems and open channels Enclosed systems and open channels shall be designed using the city of Arkadelphia's *Stormwater Drainage Design Manual and Floodplain Compliance Guidelines*.

4. Evaluation of downstream flooding The Engineer of Record should evaluate whether the proposed plan will cause or increase downstream flooding conditions. This evaluation should be made on the basis of existing downstream development and an analysis of stormwater runoff with and without the proposed development. When it is determined that the proposed development will cause or increase downstream flowing conditions, provisions to minimize such flooding conditions should be included in the design of storm management improvements. Such provisions may include downstream improvements and/or detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.

5. Detention Development also shall include temporary detention of stormwater runoff in order to minimize downstream flooding conditions. The following design criteria shall govern the design of temporary drainage facilities:

   a. Storage volume The volume of storage provided in the detention basin shall be sufficient to control the differential runoff from the 25- year storm frequency of six-hour duration. The differential runoff is the volume and rate of flow of stormwater runoff discharged from a parcel of land or drainage area which is or will be greater than the volume and rate which pertained prior to proposed development for redevelopment.

   b. Freeboard Detention storage areas shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least six inches of freeboard above the water surface of flow and the emergency spillway in 25-year storm. The entire structure should be designed for discharging the major storm.

   c. Outlet control works

      (1) Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates for a 25-year storm that would have occurred prior to the proposed development.

      (2) Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.

(3) Size and hydraulic characteristics shall be such that all water and detention storage is released to the downstream storm sewer systems within twenty-four (24) hours after the end of the design rainfall. Normal time for discharge ranges from three (3) to twenty-four (24) hours.

d. Spillway Emergency spillways shall be provided to permit the safe passage of runoff generated from a 100-year storm or greater, if appropriate because of downstream high hazard, such as loss of life or damage to high value property.

e. Design data submittal In addition to complete plans, all design data shall be submitted as required in the detention design data submittal section of the Drainage Manual.

f. Detention methods Depending upon the detention alternative(s) selected by the Engineer of Record, the design criteria for detention ponds shall follow those given in the Drainage Manual.

6. Reduction in coefficient of runoff If an existing site with an existing coefficient of runoff of 1.0 (totally impervious) is developed, no on-site detention or in-lieu fee for detention is required. Also, if an existing site is developed whereby the coefficient of runoff is reduced to a lesser value, no on-site detention or in-lieu fee is required.

7. Alternative to on-site detention

a. Alternative methods Where on-site detention is deemed inappropriate due to local topographical or other increases in stormwater runoff, shall be permitted. The methods may include:

(1) Off-site detention or comparable improvements.

(2) In-lieu monetary contributions for channel improvements of off-site detention improvements by the city within the named watershed. Channel improvements shall only be used if they are an integral part of a detailed watershed study.

b. In-lieu contributions to regional or sub-regional detention An owner may contribute to the construction of a regional or sub-regional detention site constructed or to be constructed in lieu of constructing on-site detention. However, no in-lieu contributions are allowed when existing flooding occurs downstream from development, or if the development will cause downstream flooding.

c. In-lieu contributions fees The in-lieu fee contribution shall be based upon an amount of One Hundred Thousand Dollars ($100,000.00) per acre-foot of stormwater storage.

d. Excess stormwater storage credit An owner may receive credit for excess stormwater storage (in acre-feet) created on one site that may be applied to another site within the same watershed. The transfer of storage volume credit (in acre-feet) shall not be allowed if the site where the credited storage is proposed to be transferred has an existing flooding condition downstream of the proposed development or will produce downstream flooding.

e. Regional or sub-regional detention sites The acquisition of regional or sub-regional detention sites and construction of facilities thereon will be financed by the city. Monies contributed by the owners as above provided shall be used for regional and sub-regional detention site studies, land acquisition and facility construction thereof in the watershed in which the development is located.

f. Watershed boundaries The boundaries of watersheds and priority of acquisition of regional and sub-regional detention sites in construction of detention facilities and location thereof shall be established by the City Engineer and approved by the Planning Commission. (Ord. No. O-04-10, Sec. 4.1.)

B. Performance standards

1. Stormwater channel location Generally acceptable locations of stormwater runoff channels in the design of a subdivision may include but not be limited to the following:

a. In a depressed median of a double roadway, street or parkway provided the median is wide enough to permit maximum three (3) to one (1) side slopes,

b. Along the roadway, street or parkway,

c. Located along lot lines or entirely within the rear yards of a single row of lots or parcels.

d. In each of the foregoing cases, a drainage easement to facilitate maintenance and design flow shall be provided and shown on the plat. Drainage easement required dimensions are shown in the Drainage Manual and shall conform to the dimensions given. No structures shall be constructed within or across stormwater

channels without the approval of the City Engineer.

2. Easements Drainage easements required to facilitate maintenance, detention and conveyance of stormwater shall be provided and shown on the preliminary and final plat. There are two types of easements that are to be determined by the Engineer of Record and shown on the preliminary final plat. These are:

   a. Minor storm easements Easements designed to carry the minor storm (10-year design frequency). The minor storm easements are primarily for carrying flow from the 10-year storm, maintenance access, utility locations, and are to be kept clear of any obstructions.

   b. Major storm easements Privately maintained easements designed to carry the major storm (100-year design frequency). The major storm easements shall be kept free of obstructions, such as fill or fences, that would impede the flow of the 100-year design storm. Properly designed landscaping that does not impede the flow of floodwater or endanger adjacent property is acceptable.

3. Storm sewer outfall The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring.

4. Lot lines Whenever the plans call for the passage and/or storage of floodwater, surface runoff or stormwater along lot lines involving the major storm system, grading of all such lots shall be prescribed and established for the passage and/or storage of waters, and no structure may be erected which will obstruct the flow of stormwater, no fences, shrubbery, or trees planted, or changes made to the prescribed grades and contours of the specified floodwater or stormwater runoff channels.

5. Manholes All sanitary sewer manholes constructed in a floodplain or in an area designed for the storage or passage of flood or stormwater shall be provided with either a watertight manhole cover or be constructed with rim elevation of minimum one (1) foot above the high water elevation of the base flood, whichever is applicable to the specific area. (Ord. No. 0-2004- 10, Sec. 4.2.)

11.44.05 Bonds, maintenance assurance and drainage approvals

A. Maintenance agreement A maintenance agreement approved by the City Engineer, assuring perpetual maintenance of stormwater management improvements shall be agreed upon by the city and the applicant.

Maintenance of detention ponds (wet type) shall be the responsibility of the owner of

record and/or the property owners' association.

Maintenance of detention basins (dry type) shall be the responsibility of the owner of record and/or property owners' association. The city shall have the primary right to remove sediment when the basin's function is impaired. The owner of record and/or property owners' association shall be responsible for all other maintenance, planting, reseeding or re-sodding. The owner shall also be responsible for removing and replacing any landscaping, playground equipment, or other facilities within the basin. (Ord. No. O-04-10, Sec. 5.1)

B. Performance guarantee A one-year guarantee against defects in workmanship shall be required by the Engineer for any portion of the stormwater management improvements dedicated to the public. (Ord. No. O-04-10, Sec. 5.2)

C. Drainage permits and/or approvals Upon approval of the final stormwater management and drainage plan, and acceptance and the applicant's assurances of performance maintenance as provided in these regulations, the City Engineer shall approve the plan. Project approval shall be issued in the name of the applicant who shall then be known and thereafter be referred to as the Permittee. An approved permit shall set forth the terms and conditions of the approved stormwater management and drainage plan. (Ord. No. O-04-10, Sec. 5.3.)

D. Engineer of Record Should the original Engineer of Record be prevented from completing the project, the Permitee shall employ another qualified engineer and notify the City Engineer immediately. (Ord. No. O-04-10, Sec. 5.4)

11.44.06 Enforcement

A. General It shall be the duty of the City Engineer to bring to the attention of the City Attorney any violation or lack of compliance herewith. (Ord. No. O-04-10, Sec. 6.1)

B. Violations and penalties Any Permittee (person, firm or (corporation) who fails to comply with or violates any these regulations shall be guilty of misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars ($100.00) per day and not more than Five Hundred Dollars ($500.00) per day. (Ord. No. O- 04-10, Sec. 6.2)

C. Inspection The City Engineer shall be responsible for determining whether the stormwater management and drainage plan is in conformance with the requirements specified by the city's *Stormwater Drainage Design Manual and Floodplain Compliance Guidelines*. Also, the City Engineer shall be responsible for determining whether the development plan is proceeding in accordance with the approved drainage plan. Periodic inspection of the development site shall be made by the City Engineer's office. Through such periodic inspections, the City Engineer's office shall ensure that the stormwater management and drainage plan

is properly implemented and that the improvements are maintained. (Ord. No. O-04-10, Sec. 6.3)

D. Remedial Work If it is determined through inspection that the development is not proceeding in accordance with the approved stormwater management and drainage plan, and drainage and/or building permit, the City Engineer shall immediately issue written notice to the permittee and the surety of the nature and location of the alleged noncompliance, accompanied by documentary evidence demonstrating noncompliance and specifying what remedial work is necessary to bring the project into compliance. The permittee so notified shall immediately, unless weather conditions or other factors beyond the control of the permittee prevent immediate remedial action, commence the recommended remedial action and shall complete the remedial work within 72 hours or within a reasonable time as determined in advance by the City Engineer. Upon satisfactory completion of remedial work, the City Engineer shall issue a notice of compliance and the development may proceed. (Ord. No. O-04-10, Sec. 6.4)

E. Revocation of permits or approvals, stop orders The City Engineer after giving five (5) days' written notice, may revoke the permit issued pursuant to the regulations for a project which is found upon inspection to be in violation of the provisions of these regulations, and for which the permittee has not agreed to undertake remedial work as provided in 11.44.06 (C). Drainage and/or building permits may also be revoked if remedial work is not completed within the time allowed. Upon revocation of a permit or approval the City Engineer shall issue a stop work order. Such stop work order shall be directed to the permittee and he shall immediately notify persons owning the land, developer, and those persons or firms actually performing the physical work of clearing, grading, and developing the land. The stop work order shall direct the parties involved to cease and desist all or any portion of the work on the development portion thereof which is not in compliance, except such remedial work necessary to bring the project into compliance. (Ord. No. O-04-10, Sec. 6.5)

11.44.07 General provisions

A. Interpretation, conflict and severability interpretations

1. Interpretation In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

2. Conflict with public and private provisions These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision or law, whichever provisions are more restrictive or impose higher standards, shall control.

3. Private provisions These regulations are not intended to abrogate any easement, covenant or any other private agreement of restriction, provided that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements these regulations shall govern. Where the provisions of easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, and regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made hereunder.

4. Severability If any part of provision or these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to that part, provision, or application directly involved in the controversy in which such judgment shall have rendered and shall not affect or impair the validity of the remainder of these regulations or the application hereof to other persons or circumstances. The governing body hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application found to be unlawful or invalid. (Ord. No. O-04-10, Sec. 7.1)

B. Saving provision These regulations shall not be construed as abating any action now pending under, or by virtue or, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation or as waiving any right to the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the city, except as shall be expressly provided for in these regulations. (Ord. No. O-04-10, Sec. 7.2)

C. Amendments For the purpose of providing for the public health, safety and general welfare the governing body may, from time to time, amend the provisions of these regulations. The Public Works Department has the responsibility for updating on a continuing basis, the Drainage Manual. (Ord. No. O-04-10, Sec. 7.3)

D. Appeals Any person aggrieved by a decision of the City Engineer may appeal any order, requirement, decision or determination to the Planning Commission and then to the City Board of Directors. The next step in the process would be to a court of competent jurisdiction in accordance with the laws of Clark County and the state of Arkansas. (Ord. No. O-04-10, Sec. 7.4)

11.44.08 Liability The performance standards and design criteria set forth herein and in

the Drainage Manual establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirement contained herein shall not constitute a representation, guarantee, or warranty of any kind by the city, or its officers and employees of the adequacy or safety of any stormwater management and drainage plan imply that the land uses permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations, therefore, shall not create liability on the part of the city or any officer or employee with respect to any legislative or administrative decision lawfully made hereunder. (Ord. No. O-04-10, Sec. 8.1)

CHAPTER 11.48

CITATIONS FOR VIOLATIONS OF CODES

Sections:

11.48.01 Authorization

11.48.01 Authorization The City Manager or his designated representative is hereby empowered and authorized to issue citations to require alleged violators of the Arkadelphia Municipal Code to appear in the Arkadelphia District Court to answer charges of those violations. The City Manager shall designate in writing the individuals who are authorized to issue citations. This list shall be filed with the City Clerk. (Ord. No. O-00-9, Sec. 1.)

TITLE 12

PARKS AND RECREATION

Chapters:

12.04 Parks and Recreation Advisory Committee

CHAPTER 12.4

PARKS AND RECREATION ADVISORY COMMITTEE

Sections:

12.4.01 Terms
12.4.02 Members
12.4.03 Ex-officio members
12.4.04 Meetings and function

12.4.01 Terms This hereby establishes a Parks and Recreation Advisory Committee consisting of five (5) members who shall serve four (4) year staggered terms ending on June 30th. (Ord. No. O-15-03, Sec. 1.)

12.4.02 Members The City Manager shall nominate five (5) members to be affirmed by the Board of Directors. (Ord. No. O-15-03, Sec. 2.)

12.4.03 Ex-officio members Ex-officio members of the Parks and Recreation Advisory Committee will include Clark County Baseball Commission President, Arkadelphia Soccer Association President, Arkadelphia Fast Pitch League President, Arkadelphia Community and Special Events Director and Arkadelphia Public School Athletic Director. Others may be appointed by the Board of Directors as needed for special events and/or projects. (Ord. No. O- 15-03, Sec. 3.)

12.4.04 Meetings and function The Parks and Recreation Advisory Committee shall meet on a regular basis with the times to be established by the Advisory Committee. In addition, the Director of the Parks and Recreation Department of the city of Arkadelphia may also call special meetings. The Advisory Committee shall elect a chairman annually from its members and such other officers as may be necessary. It is the function of the Parks and Recreation Advisory Committee to assist the Parks and Recreation Director with long and short term planning for the success of the department. The Director will then communicate through the City Manager to the Board of Directors. (Ord. No. O-15-03, Sec. 4.)

TITLE 13

PLANNING

Chapters:

13.04 Planning Commission

CHAPTER 13.04

PLANNING COMMISSION

Sections:

13.04.01 Commission created
13.04.02 Terms of members
13.04.03 Election of officers; rules
13.04.04 Employment of assistance; expenditures
13.04.05 Powers and duties
13.04.06 Board of Zoning Adjustment

13.04.01 Commission created There is hereby created a City Planning Commission to consist of nine (9) members. At least two-thirds (2/3) of said Commission shall not hold any other elective or appointive municipal office. The members of the Commission shall be nominated by the City Manager and confirmed by the City Board. (Ord. No. 147, Sec. 1.)

13.04.02 Terms of members The original members of said Planning Commission shall be appointed to a term of one (1), two (2), three (3), four (4), five (5), and six (6) years. When the term of any member shall expire, the Mayor shall make a nomination to fill such vacancy for a period of six (6) years. When a vacancy shall otherwise occur, the Mayor shall nominate a person to serve the remainder of the term.

13.04.03 Election of officers; rules At a time and place to be designated by the Mayor, the Planning Commission shall meet and organize by electing from its members a chairman, a vice-chairman, and a secretary. The Planning Commission shall make and adopt such rules and regulations to govern its proceedings, which shall provide for a regular meeting date at least once every three (3) months or more often if prescribed by the Commission.

13.04.04 Employment of assistance; expenditures The Planning Commission is authorized to employ such assistance as it deems necessary in carrying out its duties and responsibilities. It cannot expand or encumber city funds without prior appropriation by the City Board.

13.04.05 Powers and duties The Commission is vested with all the powers and duties prescribed and set forth in A.C.A 14-56-402 – 14-56-409.

State law reference - See A.C.A. 14-56-402, 404 and 410.

13.04.06 Board of Zoning Adjustment The Arkadelphia Planning Commission, as a whole, shall sit as the Board of Zoning Adjustment. Terms of members of the Board of Zoning Adjustment shall be the same terms as established by the City Board for the Planning Commission members and vacancies shall be filled as established by the City Board of Directors for the Planning Commission. The Chairman and Secretary of the Board of Zoning Adjustment shall be the same individuals as the Chairman and Secretary of the Planning Commission. (Ord. No. B-479, Sec. 1.)

TITLE 14

ZONING

Chapters:

14.04 Land Use Ordinance
14.08 Flood Damage Prevention
14.12 Airport Zoning
14.16 Annexing and Vacating of Specific Areas by Reference
14.20 Rezoning of Property

CHAPTER 14.04

LAND USE ORDINANCE

14.04.01 Definitions
14.04.02 Establishment of districts
14.04.03 Use and area districts
14.04.04 Zoning map
14.04.05 General provisions applying to all or several districts
14.04.06 Non-conforming buildings, structures and uses of land
14.04.07 Board of Zoning Adjustment
14.04.08 Amendments
14.04.09 Enforcement officer, building permit

14.04.01 Definitions Certain words and phrases shall for the purpose of this ordinance have the following meaning:

Accessory structure A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

Accessory use A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Advertising sign or structure Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever, including a statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term "place" shall include erecting, constructing, posting,

painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this ordinance.

Alley A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or the side of properties otherwise abutting a street, and which may be used for public utility purposes.

Apartment house See multiple family dwelling.

Area The amount of land surface in a lot or parcel of land.

Boarding house A dwelling other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three or more, but not exceeding twelve persons on a weekly or monthly basis.

Building Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.

Building height The vertical distance from the average line of the highest to lowest point of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Child care center Any place, home or institution which receives three or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial parent person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

Coverage The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Dwelling A building or portion thereof which is designed or used as living quarters for one or more families, but not including a trailer home.

Dwelling, single-family A detached dwelling designed to be occupied by one (1) family.

Dwelling, two-family A detached dwelling designed to be occupied by two (2) families living independently of each other.

Dwelling, multiple A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

Family One or more persons related by blood or marriage or adoption or a group of not to exceed five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or a similar dwelling for group use.

Garage apartment A dwelling unit for one family erected above a private garage.

Gasoline service or filling station Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automobile washing or the sale of butane or propane fuels.

Guest house or servants quarters Any apartment or other separate building used for family members, non-permanent visitors, or servants for which no rent is charged.

Home occupation Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main or accessory buildings, provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising signs other than one non-illuminated name plate not more than four (4) square feet in area attached to the main or accessory building. Beauty and barber shops are specifically excluded as home occupation.

Hotel A building or group of buildings under one ownership containing six or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or buildings where persons are housed under restraint.

Kennel Any lot or premises on which are kept three (3) or more dogs, more than six (6) months.

Lot Any parcel of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance and other laws or ordinances, and having its principal frontage on a street.

Medical facility

A. Convalescent, rest, or nursing home A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

B. Dental clinic or medical clinic A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight

except under emergency conditions.

C. Offices for dentists, doctors, oculists, optometrists, osteopaths, and chiropractors Same as dental or medical clinic.

D. Hospital An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

E. Public health center A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.

F. Sanatorium An institution providing health facilities for in-patient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

Mobile food vendor court A primary land use located on one or more platted lots where two or more spaces are available for Mobile Food Vendor Units to congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas and other outdoor entertainment open to all customers of all vendors. (Ord. No. 0-15-02, Sec. 1.)

Mobile home park A parcel of land which has been designed or improved or is intended to be utilized for occupancy by one or more mobile homes, and which conforms to the provisions of this ordinance.

Non-conforming structure A lawfully constructed building or structure which does not conform to the regulations of the district in which it is located.

Non-conforming use A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

Open space Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portions of structures whatever.

Parking space An area a minimum of 240 square feet of usable and accessible space which is designated for storage of an automotive vehicle.

Place of public assembly A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums and similar places of assembly.

Principal use The chief or main recognized use of a structure or of land.

Property line The line bounding a lot as defined herein.

Sign Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

Sign, alteration Change of height, size and/or location will be defined as an alteration. Updating or repair of signage is not alteration.

Sign, billboard An off-premise sign exceeding thirty-two (32) square feet in area.

Sign, balloon A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, canopy A sign attached to the underside of a canopy.

Sign, construction A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign directional Signs directing or informing of public or quasi-public nature (church, school, library, hospital, tourist attraction, civic or service clubs).

Sign, directory A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the building or group or buildings, and that may also indicate their respective professions or business activities.

Sign, flashing Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, freestanding Any non-movable sign not affixed to a building, including pole signs or ground-mounted signs.

Sign, ghost A sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to commercial or noncommercial advertising.

Sign, ground-mounted A freestanding sign, other than a pole sign, in which the entire bottom is in contact with the ground.

Sign, height The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

Sign, home occupation A sign to identify the business, occupation or profession within a residential structure.

Sign, illuminated A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, ladder See Sign, directory.

Sign non-conforming Any sign which is not permitted within the zone in which it is located or any sign that is defective, damaged, substantially deteriorated or presents a public hazard.

Sign, off-premise A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, pole A type of freestanding sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

Sign, political Temporary sign erected on private property within the city for the purpose of political campaigning regarding a designated election.

Sign, portable Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or gels of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the advertising is accomplished by digitally active electrical lettering.

Sign, projecting A sign that projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

Sign, real estate Signs advertising a specific property for sale, rent, or lease.

Sign, roof A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, special event Temporary signs describing an event of public interest (fair, trade show, auctions, etc.)

Sign, temporary A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also "Balloon Sign."

Sign, wall A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure. (Ord. No. 0-2015-5, Sec. 1.)

Story That portion of a building, other than a basement, included between the surface of

any floor and the surface of the floor next above it, or if there being no floor above it, then the space between the floor and the ceiling next above it.

Story, half A space under a sloping roof which has a line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

Street Any public or private thoroughfare which affords the principal means of access to abutting property.

Street intersection Any street which joins another street at an angle, whether or not it crosses the other.

Structure Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

Structural alteration Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist court An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients.

Trailer home, mobile home, or house trailer A portable or movable living unit used or designed for human occupancy on a permanent basis.

Trailer court (See mobile home park)

Yard An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (Ord. No. B-425, Chapter I.)

14.04.02 Establishment of districts

CLASSIFICATION OF DISTRICTS For the purpose of promoting the public health, safety, morals, and general welfare of the community, the city of Arkadelphia, Arkansas, is hereby divided into the following types of districts:

R-1 Districts:	One-family residential uses
R-1A Districts:	One-family residential uses
R-2 Districts:	One and two family residential uses
R-3 Districts:	One, two and multiple family residential uses

C-1 Districts:	Central business uses
C-2 Districts:	Highway commercial uses
C-3 Districts:	Neighborhood commercial uses
C-4 Districts:	Office commercial uses
CBRD District:	Central Business Redevelopment District
I-1 Districts:	Heavy industrial uses
I-2 Districts:	Light industrial uses
Bed and Breakfast	
RRD Districts:	Residential Redevelopment District

(Ord. B-425, Art 2-1.)

BOUNDARY OF DISTRICTS

A. The boundaries of the zoning districts are hereby established as shown on the map entitled Zoning District Map of Arkadelphia, Arkansas, dated December 1972, which is part of this ordinance and which is on file in the office of the City Engineer.

B. Interpretation of district boundaries

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, said center lines shall be construed to be the district boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following alleys shall be construed as following alleys.
6. When the street or property layout existing on the ground is at variance with that shown on the coning district map or with other requirements of this ordinance, the Board of Adjustment shall interpret the boundaries.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Adjustment. (Ord. B-425, Art 2-2.)

14.04.03 Use and area districts

Residential Use District (R-1) This district is intended to include the quiet residential neighborhoods characterized by single-family homes on large lots, plus certain areas where similar residential development is likely to occur.

A. Permitted uses

1. Single-family dwellings, detached
2. Public parks and playgrounds and other municipal recreational uses.
3. Public schools and private schools offering similar educational courses.
4. A parking lot used to service uses permitted in the district
5. General purpose farm, garden or nursery, provided however, that no odor or dust-producing substance or use shall be permitted within 100 feet of any property line
6. Municipal water supply use
7. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be located on the same lot with the principal building
8. Churches

B. Lot area

1. One-family dwelling: Minimum 6,000 sq. ft.
2. Churches: 25,000 sq. ft. or 225 sq. ft. times maximum seating capacity, whichever is greater.

C. Yard requirements Each lot shall have front, side, and rear yards not less than the depth or widths following:

1. Front yard depth: Twenty-five (25) feet from property line or fifty (50) feet from center line of existing right-of-way, whichever is greater. Where no additional right-of-way exists, front yard shall be twenty-five (25) feet from property line.
2. Side yard width: Minimum of seven and one-half (7½) feet from each property line, except that churches shall provide fifty (50) feet from adjacent property lines.
3. Yard on side street: Same as front yard.
4. Rear yard depth: Minimum of ten (10) feet from property line, except that churches shall provide fifty (50) feet from the property line when not abutting a street right-of-way. Otherwise, rear yard requirements for churches shall be the same as for the front yard.
5. Unattached accessory buildings: Shall be required to set back at least seven and one-half (7½) feet from an interior side lot line, and they shall not cover more than thirty percent (30%) of the rear lot line, when set back less than ten (10) feet.
6. All newly constructed buildings must be a minimum of fifteen (15) feet from any existing building.

D. Width Minimum width of a lot at the front yard line or building line shall be sixty (60) feet for one-family dwelling.

E. Height

1. Maximum height shall be two and one-half (2½) stories and not to exceed thirty-five (35) feet.
2. Churches may be built higher than thirty-five (35) feet with the permission of the Planning Commission.

F. Dimensions

1. Each dwelling shall have a minimum dimension of twenty (20) feet of heated living space on each side, and the entire twenty (20) feet shall be finished on a permanent foundation.
2. More than one modular unit may be joined and considered one dwelling providing that joints are completely sealed in such a manner that they are not discernible from the exterior of the structure.

G. Structure coverage On any lot, the area occupied by structures, including accessory structures, shall not exceed thirty-five percent (35%) of the total area of such lot.

H. Off-street parking See Chapter V.
(Ord. No B-425, Art. 3-1.)

I. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. 0-2011-2, Sec. 1.)

Residential Use District (R-1A) This district is intended to include quiet residential neighborhoods characterized by single-family homes with reduced front yard depths. (Ord. No. 0-2007-5.)

A. Permitted uses

1. Single-family dwellings, detached.
2. Public parks and playgrounds and other municipal recreational uses.
3. Public schools and private schools offering similar educational courses.
4. Municipal water supply use.
5. Churches.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be located on the same lot with the principal building.

B. Yard requirements All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard depth

a. Single-family: Twenty (20) feet from property/lot line or forty-five (45) feet from centerline of existing right-of-way, whichever results in the greater setback distance. Where no additional right-of-way

exists, the front yard shall be fifteen (15) feet from the property/lot line.

b. Other uses: Twenty-five (25) feet from property/lot line or fifty (50) feet from centerline of existing right-of-way, whichever results in the greater setback distance. Where no additional right-of-way exists, the front yard shall be twenty-five (25) feet from the property/lot line.

2. Side yard width: Minimum of seven and one-half (7½) feet from each property/lot line.
3. Yard on side street: Same as front yard.
4. Rear yard depth: Minimum of ten (10) feet from property/lot line.
5. Unattached accessory buildings: Shall be required to be set back at least seven and one-half (7½) feet from an interior side lot line, and they shall not cover more than thirty percent (30%) of the rear lot line, when set back less than ten (10) feet.
6. All newly constructed buildings must be a minimum of fifteen (15) feet from any existing building.

C. Area requirements

1. Lot area

a. Single-family: Minimum 6,000 square feet
b. Other uses: Minimum 6,000 square feet but sufficient to meet yard, structure coverage, parking, etc. requirements.

2. Lot width

a. Single-family: Minimum 60 feet
b. Other uses: Minimum 60 feet but sufficient to meet yard, structure coverage, parking, etc. requirements.

D. Height

1. Maximum height of a structure shall be three (3) stories and not to exceed thirty-five (35) feet.
2. Churches may be built higher than thirty-five (35) feet with approval from the Board of Zoning Adjustment.

E. Dimensions Each single-family dwelling shall have a minimum dimension of twenty (20) feet of heated living space on each side, and the entire twenty (20) feet shall be finished on a permanent foundation.

F. Structure coverage On any lot, the area occupied by all structures shall not exceed thirty-five percent (35%) of the total area of such lot.

G. Off-street parking Shall be in compliance with Chapter V.

H. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No.0-2011-2, Sec. 2.)

Medium Density Residential District (R-2) This is a residential district to provide for medium population density. The principal use of land may be single-family or two family residential. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious, and education facilities normally required to provide an orderly and attractive residential area are permitted. Stability of the property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

A. Permitted uses Property and buildings in an R-2 Residential District shall be used only for the following purposes:

1. Single-family dwellings
2. Two-family dwelling
3. Churches
4. Parks and playgrounds
5. Public schools and private schools offering similar educational courses.
6. Child care center, public or private
7. Public utilities such as water, storage, power substations, stations, sewer lift stations, to include easements as appropriate to the district.
8. Rooming or boarding houses
9. Garage apartment
10. Home occupation
11. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed.
12. Parking lot provided to serve the uses permitted in this district.
13. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.
14. Other uses deemed appropriate upon review by the Planning Commission.

B. Yard requirements All buildings shall set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard: Twenty-five (25) feet from property line or fifty (50) feet from center line of existing right-of-way, whichever is greater. Where no

additional right-of-way exists, front yard shall be twenty-five (25) feet from property line.

2. Side yard: The main building shall be a minimum of seven and one-half (7 ½) feet from each property line.
3. Side yard street: Fifteen (15) feet from property line when lot is back to back with another lot. Twenty (20) feet in all other instances.
4. Rear yard: The main building shall be a minimum of ten (10) feet from property line or center of the alley, where one exists. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be closer than ten (10) feet to the rear lot line.
5. Unattached accessory buildings: Shall be required to set back at least seven and one-half (7½) feet from an interior side lot line, and they shall not cover more than thirty percent (30%) of the rear lot line.
6. All newly constructed buildings must be a minimum of fifteen (15) feet from any existing building.

C. Area regulations

1. Lot width: There shall be a minimum lot width of sixty (60) feet at the front building line for single-family dwellings and ten (10) feet additional width at the front building line for each family, more than one, occupying a dwelling.
2. Lot area: For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than 6,000 sq. ft. Two-family dwellings shall have a minimum lot area of 7,500 sq. ft.

D. Height When the maximum height of a structure exceeds two and one-half (2½) stories, it shall be approved by the Board of Zoning Adjustment to insure a safe, healthful environment.

E. Dimensions

1. Each dwelling shall have a minimum dimension of twenty (20) feet of heated living space on each side, and the entire twenty (20) feet shall be finished on a permanent foundation.
2. More than one modular unit may be joined and considered one dwelling providing that joints are completely sealed in such a manner that they are not discernible from the exterior of the structure.

F. Structure coverage On any lot, the area occupied by structures, including accessory structures, shall not exceed thirty-five percent (35%) of the total area of such lot.

G. Off-street parking See Chapter V.

H. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 3.)

Multi-Family Residential Use District (R-3) This district is established to permit suitable areas for medium to high density residential development delineated as follows:

Medium density Not more than twelve (12) units per gross acre in density, unattached or attached.

High density Not more than twenty (20) units per gross acre in density.

Multi-family units must be located in areas of the city where adequate public facilities existed prior to development or these facilities would be provided in conjunction with development. The multifamily residential use district may also be developed as a buffer or transitional zone between R-1 and R-2 districts and non-compatible uses.

Within the medium density developments, zero lot line units or single family dwellings on lots without side yard setback requirements on one side yard would be permitted. The townhouse concept which permits construction of single family dwellings abutting one another without side yards between individual units would also be permitted. These types of development shall be permitted in accordance with new development only.

Commercial construction shall be permitted in conjunction with high density developments if such construction is planned as an integral part of the total residential development.

A. Permitted uses

1. One-family dwellings
2. Two-family dwelling
3. Multi-family dwellings not to exceed 20 units per acre
4. Churches or similar places of worship
5. Public schools and private schools offering similar educational courses
6. Kindergartens (public or private)
7. Child care institutions
8. Public parks and playgrounds and other municipal recreational uses
9. Accessory structures and uses pertinent to the principal structure and use
10. Home occupation
11. Unoccupied utility substations
12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed
13. Parking lot provided to serve the uses permitted in this district.
14. Commercial uses developed as an integral part of residential developments
15. Other uses deemed appropriate upon review by the Planning Commission. (Ord. No. 0-97-25, Sec. 1.)

B. Uses permitted on review The following uses may be permitted on review in accordance with provisions contained in Article 7-4 in Chapter VII:

Mobile home parks A mobile home park shall consist of the following:

1. The park shall be located on a well-drained site properly graded to insure

rapid drainage and freedom from stagnant pools of water.

2. Mobile home spaces shall be provided consisting of a minimum of 3,600 square feet for each space which shall be at least forty (40) feet wide and clearly defined.
3. Mobile homes shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between mobile homes.
4. All mobile home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street.
5. All driveways and parking areas shall be paved in conformance with street standards specified by the city prior to construction and be provided with curb and gutter.
6. Each trailer or mobile home space shall be provided with two off-street parking spaces, each 9' x 20' in dimension.
7. Each trailer or mobile home park shall have a minimum of five (5) trailer or mobile home spaces.
8. Each mobile home park shall provide service buildings to house such toilet, bathing and other sanitation facilities and such laundry facilities as the city may specify.
9. An electrical outlet supplying at least 120/240 volts shall be provided each mobile home space.

C. Yard requirements

Single Family Each lot shall have front, side, and rear yards not less than the depths or widths following:

1. Front yard: Twenty-five (25) feet from property line or fifty (50) feet from center line of existing right-of-way, whichever is greater.
2. Side yard: Minimum of seven and one-half (7½) feet from each property line.
3. Side yard street: Fifteen (15) feet setback.
4. Rear yard: Minimum of ten (10) feet from property line.
5. Unattached accessory buildings: Shall be required to setback at least seven and one-half (7½) feet from an interior side lot line, and they shall not cover more than thirty percent (30%) of the rear lot line when setback less than ten (10) feet.
6. All newly constructed buildings must be a minimum of fifteen (15) feet from any existing building.

Multi-Family Each lot shall have front, side and rear yards not less than the depths or widths following:

1. Front yard:

    a. Medium density units There shall be a front yard setback having a minimum of twenty-five (25) feet from the property line or fifty (50)

feet from the centerline of the existing right-of-way, whichever is greater.

b. High density units See C.2.a(1)

2. Side yard:

a. Medium density units There shall be an exterior side yard setback having a minimum depth of twenty-five (25) feet.

b. High density units There shall be a minimum exterior side yard setback depth of twenty-five (25) feet with interior side yards having a depth equal to the height of adjacent buildings.

3. Rear yard:

a. Medium density units Rear yard setbacks shall be a minimum depth of twenty-five (25) feet.

b. High density units See C.2.c(1)

4. Unattached accessory buildings: Shall be required to setback at least seven and one-half (7½) feet from an interior side lot line, and they shall not cover more than thirty percent (30%) of the rear lot line, when setback less than ten (10) feet.

D. Area regulations

Single Family

1. Lot area regulations: one-family – minimum 5,000 sq. ft.
two-family – minimum 7,500 sq. ft.

2. Lot width Minimum width of a lot shall be fifty (50) feet for one-family and seventy (70) feet for two-family dwellings or more.

Multi-Family

1. Lot area regulations

a. Medium density units All buildings for single family attached or multi-family use hereafter erected or altered shall provide a minimum lot area per family for townhouse and multi-family developments at 3,600 sq. ft.

b. High density units All buildings hereafter erected or altered structurally shall provide minimum lot area per family of 2,400 sq. ft.

2. Platted lots Where a multi-family development proposes to provide individual platted building sites, with each structure containing three or more residential units, the following minimum area regulations shall be adhered to.

Front yard	25 ft.
Side yard	15 ft.
Rear yard	25 ft.
Site area	9,600 sq. ft.

3. Site area

   a. Medium density units Minimum site area for the medium density units developed within an R-3 District shall be one (1) acre.
   b. High density units See D.2.c.(1)

E. Height Maximum height for a structure within the R-3 District shall be two and one-half stories and not to exceed thirty-five (35) feet.

F. Off-street parking See Chapter V.

G. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 4.)

Central Business District (C-1) The district is intended to be applied to the downtown area of Arkadelphia. This district is located centrally to the surrounding area and is intended to provide space for retail services of all kinds: professional offices, banks, hotels, and places of amusement, plus limited wholesaling, manufacturing, warehousing, and storage of goods which do not unduly disturb the retail character of the area. Expansion of this district shall be based on the overall impact on the downtown and adjacent area, with respect to off-street parking, and other requirements of this zone.

A. Permitted uses

1. Retail establishments providing goods and services such as clothing, furniture, groceries, drugs, hardware, variety stores and similar uses, and hotels, motor hotels, and restaurants.
2. Office (public or private) and bank buildings and uses.
3. Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.
4. Wholesaling and warehousing
5. Bulk storage of non-combustible materials
6. Automotive sales, service, repair and storage
7. Theaters, places of public assembly, and any public recreational uses
8. Parking lots
9. Garages and gasoline service stations subject to the following provisions:

   a. No repair work is performed out of doors.
   b. Pumps, lubricating or other devices are located at least twenty (20) feet distance from any street right-of-way.

c. All fuel, oil, or similar substances stored above ground are at least thirty-five (35) feet distance from any street or lot line.
d. All automobile parts, dismantled vehicles, and similar articles are stored within a building.

10. Accessory structures and uses that are incidental to the permitted uses and that are not detrimental to the adjacent properties or the character of the district.
11. Apartment hotels
12. Studios
13. Bus station
14. Funeral home
15. Newspaper offices and print shops
16. Veterinarian – office only
17. Other uses deemed appropriate upon review of the Planning Commission including the accessory residential use of a manager or caretaker responsible for securing, maintaining or operating the commercial property. (Ord. No. 92-6, Sec. 1.)

B. Lot area No requirement.

C. Yard requirements

1. Front yard: None required, except as may be required by a setback ordinance or as otherwise stated herein.
2. Side yard: None required or as otherwise stated herein.
3. Rear yard: None

D. Loading and unloading Loading and unloading facilities shall be provided so as not to block any public way. All maneuvering of vehicles in the process of loading or unloading shall be off any street right-of-way.

E. Structure coverage No requirements except as may be necessary to provide off-street parking space.

F. Screening requirement Where property zoned C-1 abuts a residential district a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of six (6) feet in height, except that such buffer shall not be placed within fifteen (15) feet of the paved surface of a street or highway. (Ord. No. B-425, Art. 3-4.)

G. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 5.)

Highway Commercial District (C-2) This district is usually located along highways or arterial

streets, and is used for the retailing of durable goods, convenience goods, and providing services and lodging for transients. Uses in this district characteristically generate large volumes of automotive traffic.

A. Permitted uses

1. Retail establishments providing goods or services
2. Office buildings and uses
3. Garages and gasoline service stations subject to the following provisions:

    a. No repair work is performed out of doors unless screened from view of all streets and adjacent property.
    b. Pumps, lubricating or other devices are located at least twenty (20) feet distance from any street or highway right-of-way.
    c. All automobile parts, dismantled vehicles, and similar articles are stored within a building or screened from view of all streets and adjacent property.

4. Motels, tourists' courts, and mobile home parks
5. Churches
6. Automobile salvage yards when they are screened in such a manner that all car parts and bodies are screened from view of all streets and adjacent property.
7. Accessory uses that are incidental to the permitted uses and that are not detrimental to the adjacent properties or the character of the district.
8. Studios
9. Automobile sales and service
10. Building material sales and lumber yards
11. Cemeteries
12. Clinics
13. Drive-in restaurants
14. Mobile home sales
15. Newspaper office and print shops
16. Other uses deemed appropriate upon review of the Planning Commission including the accessory residential use for a manager or caretaker responsible for securing, maintaining or operating the commercial property. (Ord. No. 92-6, Sec. 2.)

B. Yard requirements

1. Front yard depth: Minimum of fifty (50) feet from all street property lines if off-street parking is in front of the building. Front yard may be reduced to twenty-five (25) feet if off-street parking is on the side or rear of the building.
2. Side yard width: Seven and one-half (7½) feet or one foot of setback for each foot of building height when abutting more restrictive use areas, whichever is greater.

3. Side yard on street: Twenty-five (25) feet.
4. Rear yard depth: Twenty (20) feet.
5. All newly constructed buildings must be a minimum of fifteen (15) feet from any existing building.

C. Area requirements

1. Lot area: Minimum 10,000 sq. ft.
2. Lot width: Minimum width 100 ft.

D. Height Maximum height of a structure shall be two (2) stories and not to exceed thirty-five (35) feet.

E. Structure coverage On any lot the area occupied by all structures shall not exceed forty-five percent (45%) of the total area.

F. Off-street parking Off-street parking shall be provided in accordance with Chapter V. In all cases the forward most twenty-five (25) feet of the front yard shall be maintained as unobstructed open space and shall not be used for parking unless proper control is provided through curb lines, entrances and exits, and, in any event, the forward most five (5) feet shall remain unobstructed open space for proper site distance. In no case, will parking be permitted in a manner so as to result in an automobile backing into any street or otherwise interfering with moving traffic.

G. Loading and unloading Loading and unloading facilities shall be provided so as not to block any public way.

H. Screening requirement Where property zoned C-2 abuts a residential district a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of six (6) feet in height, except that such buffer shall not be placed within fifteen (15) feet of the paved surface of a street or highway. (Ord. No. B-425, Art. 3-5.)

I. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 6.)

General Commercial Zoning (C-3) This district is intended to provide space for the retailing of convenience goods such as groceries, drugs, and other goods purchased primarily by members of nearby household. The district is usually located along or at an intersection of major or collector streets adjacent or near to residential areas.

A. Permitted uses

1. Retail business which is established for the sale of convenience goods, such as grocery, variety or drug stores.
2. Professional offices
3. Accessory structures and uses that are incidental to the permitted uses and that are not detrimental to the adjacent properties or the character of the district.
4. Other uses deemed appropriate upon review of the Planning Commission including the accessory residential use for a manager or caretaker responsible for securing, maintaining or operating the commercial property. (Ord. No. 92-6, Sec. 3.)

B. Lot area

1. Minimum lot area for individual commercial uses are not required unless otherwise stated herein.
2. Upon request for rezoning to neighborhood commercial, the following provisions apply:

    a. Minimum of one (1) acre, contiguous, shall be zoned as neighborhood commercial.
    b. Be located next to a major or collector street or at the intersection of two (2) major or collector streets.
    c. Have a trade area for zoned area, sufficient as proven by the developer initiating a rezoning proposal to support such a development and any similar uses.
    d. No two neighborhood commercial zones shall be established closer than ¼ mile apart.
    e. A complete plot plan showing the location and proposed use of structures and land, off-street parking, and ingress and egress shall be submitted with each application for rezoning to establish a neighborhood commercial zone. No rezoning proposals will be considered until such plot plan has been submitted to the city Planning Commission and approval by such commission as meeting the requirements of this zone.
    f. No use within this zone shall be an all-night operation.

C. Yard requirements

1. Front yard depth: Minimum of forty (40) feet from all street property lines.
2. Side yard width: Ten (10) feet.
3. Side yard on street: Twenty-five (25) feet.
4. Rear yard depth: No requirement except ten (10) feet where property is contiguous to residential property and as otherwise stated herein.

D. Width Minimum width: None required unless otherwise stated herein.

E. Height Maximum height of a structure shall be one story and not to exceed twenty (20) ft.

F. Structure coverage Structures shall not cover more than thirty-five percent (35%) of the lot area.

G. Off-street parking Off-street parking shall be provided in accordance with Chapter V. In all cases the forward most twenty-five (25) feet of the front yard shall be maintained as unobstructed open space and shall not be used for parking unless proper control is provided through curb lines, entrances and exits, and, in any event, the forward most five (5) feet shall remain unobstructed open space for proper site distance. In no case, will parking be permitted in a manner so as to result in an automobile backing into any street or otherwise interfering with moving traffic.

H. Loading and unloading Loading and unloading facilities shall be provided so as not to block any public way. (Ord. No. B-425, Art. 3-6.)

I. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 7.)

Office Commercial District (C-4)

A. General description This commercial district is intended to provide a quiet business environment and should be used to provide a buffer between major traffic ways or intense commercial districts and residential districts.

B. Permitted uses

1. Single-family, two-family, and multi-family dwellings
2. Rooming or boarding houses
3. Garage apartments
4. Apartment hotels
5. Art gallery
6. Assembly buildings for non-profit corporation or institution
7. Business college
8. Barber shop
9. Beauty shop
10. Laboratory for research and testing
11. Library
12. Hospital, sanitarium, convalescent or nursing home and other medical facilities
13. Museum
14. Office buildings in which no activities carried on catering to retail trade for the general public, and no stock of goods is maintained for sale to customers. These shall include, but shall not necessarily be limited to, doctors, dentists, lawyers, architects, engineers, realtors, and insurers.
15. Public buildings

16. Studio for professional work and including the teaching of any form of fine arts, such as music, drama, dance, or photography
17. Public and private schools
18. Recreational uses associated with and maintained primarily for the benefit and use of occupants and families of other permitted uses.
19. Shops and stores associated with and incidental to permitted uses listed above.
20. Buildings and structures and uses customarily incident and accessory to the above uses.
21. Parking lots as required by permitted uses listed above
22. Other uses deemed appropriate by the Planning Commission including the accessory residential use for a manager or caretaker responsible for securing, maintaining or operating the commercial property. (Ord. No. 92-6, Sec. 4.)

C. Yard requirements

1. Front yard: All buildings shall be set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
2. Side yard: side yard setback shall be ten percent (10%) of the lot width or ten (10) feet, whichever is less. Side yards on a street shall be a minimum of twenty-five (25) feet.
3. Rear yard: No building shall be located closer than twenty (20) feet to the rear lot line.
4. Coverage: Main and accessory buildings shall not cover more than fifty percent (50%) of the lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.
5. All newly constructed buildings must be a minimum of fifteen (15) feet from any existing building.

D. Area regulations The area requirements for dwellings and buildings accessory thereto shall be the same as requirements for uses in the R-2 Residential Zone Districts.

E. Height regulations

1. Height regulations for dwellings shall be the same as those of the R-2 Residential District.
2. No building or structure shall exceed three (3) stories or thirty-five (35) feet in height unless approved by the Board of Zoning Adjustment.

F. Screening requirement Where property zoned C-4 abuts a residential district a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of six (6) feet in height, except that such buffer shall not be placed within fifteen (15) feet of the paved surface of a street or highway.

G. Off-street parking Off-street parking shall be provided in accordance with Chapter V. In all cases the forward most twenty-five (25) feet of the front yard shall be maintained as unobstructed open space and shall not be used for parking unless proper control is provided through curb lines, entrances and exits, and, in any event, the forward most five (5) feet shall remain unobstructed open space for proper site distance. In no case, will parking be permitted in a manner so as to result in an automobile backing into any street or otherwise interfering with moving traffic. (Ord. No. B-425, Art. 3-7.)

H. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 8.)

Central Business Redevelopment District (CBRD) This district is intended to be applied to the downtown area of Arkadelphia. This district will provide for the comprehensive development and redevelopment of the downtown business district and its surroundings. The area is shown on a map as Exhibit A and a street description in Exhibit B attached. More specifically the purposes and intents include:

1. To encourage development which is consistent with the long-range comprehensive plan of the city.
2. To accommodate small and larger scale single or mixed use developments in a harmonious relationship.
3. To encourage mixed use development which includes commercial, office and residential uses.
4. To encourage orderly and systematic development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
5. To encourage the development of the downtown ensuring maximum economic and residential viability.

A. Permitted uses

1. Single-family, two-family and multi-family as define in zoning districts R-1, R-2 and R-3 of this code.
2. Rooming or boarding houses, bed & breakfasts, apartment hotels
3. Garages and garage apartments
4. Art gallery
5. Assembly buildings for nonprofit corporation or institution
6. Churches or places of worship
7. Public or private schools
8. Professional office (public or private)
9. Parking lots
10. Library, museum or other public building
11. Barber or beauty shop
12. Retail sales uses

13. Eating establishments
14. Studios, art and photography
15. Funeral home
16. Newspaper offices and print shops
17. Theaters, places of public assembly and other public recreational uses
18. Veterinarian, (small animal) – office only
19. Banks and savings & loan (with or without drive-in service) (Ord. No. 0-97-20, Sec. 1.)
20. Other uses permitted upon review by the Planning Commission that are consistent with the purposes and intents as set forth in Article 3-4 and the permitted uses enumerated above. (Ord. No. 0-2004-15, Sec. 1.)

B. Conditional uses Conditional uses are those listed uses allowed only when the Planning Commission finds them appropriate. These uses are often appropriate only under certain conditions. These conditions may be existing in the area, such as proximity to other like uses, zoning or land use patterns or can be required by the Commission such as hours of operation, building orientation, landscaping and other site plan criteria and number of employees and size of the operation.

1. Wholesaling and warehousing
2. Bulk storage of noncombustible materials
3. Manufacturing and processing which product no noise, odor, dust or vibration
4. Gasoline service stations

C. Lot area No requirement

D. Yard requirements Front yard, side yard and rear yard setbacks shall be the same requirements based upon the properties' zoning classification prior to adoption of this ordinance unless varied by the Board of Zoning Adjustments.

E. Loading and unloading Loading and unloading facilities shall be provided so as not to block any public way. Alley unloading permitted for actual loading and unloading time only. Parking in an alley without loading and unloading is not permitted.

F. Structure coverage No requirements except as may be necessary to provide off-street parking space and yard requirements.

G. Screening requirement Where property zoned CBRD abuts a residential district, a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that provides a continual visual buffer between the two districts.

H. Appeal of a conditional use The action of the Planning Commission may be appealed to the city Board of Directors. Such appeals shall be written and filed with

the City Clerk within thirty (30) days of the Planning Commission action. Appeals can be filed by the applicant or record objectors aggrieved by an action of the Planning Commission.

I. Parking Parking requirements should be in compliance with Ord. No. B-425 unless varied by the Board of Zoning Adjustment. (Ord. No. 0-97-20, Sec. 1.)

J. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 14.)

Heavy Industrial District (I-1)

A. General description This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this ordinance. The intensity of uses permitted in this district makes it most desirable that they be located downwind and separated from residential and commercial uses.

B. Permitted uses Property and buildings in an I-1 Heavy Industrial District shall be used only for the following purposes:

1. The manufacturing, compounding, processing, packaging, or assembling of such products as prohibited in the retail commercial use districts and light industrial district, when it is found by the Enforcement Officer that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties or the citizens of Arkadelphia.
2. Storage of bulk materials as is prohibited in the retail commercial use districts, or light industrial districts when it is found by the Enforcement Officer that the specific location and safeguards provided will so reduce the danger of fire or explosion so as not to be dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties, or of citizens of the city of Arkadelphia.
3. The following limitation on the external effects of permitted use will apply in all cases:

a. Emission of noise, vibration, heat, glare, smoke, odor, and fumes

(1) Every use shall be so operated that it does not emit an obnoxious or dangerous amount of noise, vibration, heat, glare, radiation or fumes beyond any boundary line of the lot on which the use is located.
(2) For the purposes of this ordinance, the emission of any sound inherently and recurrently generated which exceeds seventy decibels at any boundary line of the lot on which such sound

is generated, is considered obnoxious. Vibration will be considered obnoxious when it is perceptible, without the use of instruments, beyond the boundary lines of the lot on which such vibration is generated. The emission of heat, glare, radiation, fumes, smoke, or dust will be considered obnoxious when such emission are dangerous, or constitute a nuisance to adjoining properties both within and beyond the boundaries of the I-2 industrial district.

b. Outdoor storage and waste disposal

(1) No highly flammable or explosive liquids, solids, or gases, except liquefied petroleum gas shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same zone lot as the tanks or drums of fuel are excluded from this provision.

(2) All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts, provided however, that such fence or wall need not exceed ten (10) feet in height.

(3) No materials or waste shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes.

(4) All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible of or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

4. Other uses deemed appropriate upon review by the Planning Commission. (Ord. No. 0-2014-5, Sec. 1.)

C. Residential use prohibited No structure may be constructed or altered for residential use within this district except that the Planning Commission may allow residential use for a manager or caretaker responsible for securing, maintaining or operating the industrial property. (Ord. No. 92-6, Sec. 6.)

D. Area regulations

1. No structure may cover more than thirty-three and one-third percent (33 1/3%) of its total lot area.
2. All structures shall be built at least twenty-five (25) feet from all property lines.
3. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property lines.

E. Height regulations

1. When a structure is designed to exceed thirty-five (35) feet in height, the Board of Zoning Adjustment may approve the height requirement only if it is demonstrated that the equipment and the structure to house the operation justify such a height.
2. In all other instances, the structure shall not exceed a height of thirty-five (35) feet.

F. Off-street parking Off-street parking shall be provided in accordance with Chapter V. In all cases the forward most twenty-five (25) feet of the front yard shall be maintained as unobstructed open space and shall not be used for parking unless proper control is provided through curb lines, entrances and exits, and, in any event, the forward most five (5) feet shall remain unobstructed open space for proper site distance. In no case, will parking be permitted in a manner so as to result in an automobile backing into any street or otherwise interfering with moving traffic.

G. On-lot loading and unloading facilities Each structure or use shall provide on-lot loading and unloading facilities which will allow such activities to be carried on without blocking a street, alley, or public way. (Ord. No. B-425, Art. 3-9.)

H. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 10.)

Light Industrial District (I-2)

A. General description This district is intended for manufacturing and assembly plants and warehouses that are conducted in such a manner that noise, odor, dust, and glare of each operation are completely confined within an exposed building.

B. Permitted uses on review All uses in this district must be reviewed and approved by the Planning Commission and must conform to the descriptions below:

1. The manufacturing, compounding, processing, packaging, or assembly of such products as prohibited in the commercial districts when found not to be detrimental to uses of adjacent areas or other uses within the I-2 District, and which noise, dust, odor, vibration, or congestion is entirely contained within buildings.
2. Storage of bulk material as is prohibited in the commercial districts when the Planning Commission determines that the specific location and safeguards provided will also reduce the danger of fire or explosion so as not to be hazardous to the health, safety, or general welfare of the persons lawfully occupying adjacent properties or the citizens of the city of Arkadelphia.
3. The following limitation on the external effects of permitted uses will apply

in all cases:

a. Every use shall be so operated that it does not emit a dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the lot on which the use is located.
b. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
c. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
d. Flammable liquids in bulk storage shall be stored no closer to any boundary line of a lot on which they are located than the following minimum distances:

Above ground capacity	Minimum distance
1 – 1,000 gallons	25 ft.
1,001 – 3,000 gallons	50 ft.
3,001 – 35,000 gallons	100 ft.
Over 35,000 gallons	120 ft.

Underground capacity	Minimum distance
550 gallons	6 ft.
2,000 gallons	10 ft.
5,000 gallons	20 ft.
15,000 gallons	25 ft.
20,000 gallons	30 ft.
35,000 gallons	40 ft.

e. Explosives shall be stored no closer to any boundary line of the lot on which they are located than the following distances:

Pounds	Minimum distance
2 – 5	70 ft.
5 – 10	90 ft.
10 – 20	110 ft.
20 – 25	125 ft.
Over 25	Distance shall be established by the Board of Adjustment

4. Residential use for a manager or caretaker responsible for securing, maintaining or operating the industrial property. (Ord. No. 92-6, Sec. 5.)

C. Area regulations

1. The area of the lot occupied by all structures shall not exceed sixty percent (60%) of the total lot area.
2. No building shall be altered and no new building constructed on any lot having a width of less than sixty (60) feet at the front building line.
3. No building shall be altered and no new building shall be constructed on any lot having less than 6,000 sq. ft. of area.
4. Buildings shall provide a front yard of not less than thirty (30) feet, a rear yard of not less than twenty-five (25) feet, and two side yards, each not less than fifteen (15) feet, provided, however, that where a railroad track is used jointly, the side yard on the track side may be reduced to conform to the track layout.

D. Height regulations Buildings may be erected to a height of thirty-five (35) feet provided however, that where it can be demonstrated that equipment and structures to house the operation will require a greater height than the height limitation, the limitation may be waived upon application to the Board of Zoning Adjustment. It is provided that elevator shafts, air-conditioning units, cooling towers, water tanks, and other appurtenances necessary and accessory to the permitted use may exceed the height limit up to sixty (60) feet total height, provided that for every five (5) feet of increment above the permitted height of thirty-five (35) feet, there shall be one foot additionally required front, side, and rear yard, and further provided, that no illuminated sign, name plate, display or advertising device of any kind, shall be inscribed or attached to the portion of any structure exceeding the height limitation.

E. Off-street parking Off-street parking shall be provided in accordance with Chapter V. In all cases the forward most twenty-five (25) feet of the front yard shall be maintained as unobstructed open space and shall not be used for parking unless proper control is provided through curb lines, entrances and exits, and, in any event, the forward most five (5) feet shall remain unobstructed open space for proper site distance. In no case, will parking be permitted in a manner so as to result in an automobile backing into any street or otherwise interfering with moving traffic.

F. Off-street loading requirements Off-street loading space shall be provided in the following ratio:

1. For structures containing less than 25,000 sq. ft. of gross floor area, one (1) foot for each 12,500 sq. ft. of gross floor area of increment thereof. Each berth shall have a net area of not less than four hundred twenty (420) sq. ft.
2. For structures containing 25,000 or more square feet of gross floor area, the number of berths are specified in the following tables. Each such berth shall be at least ten (10) feet wide, thirty-five (35) feet long and fifteen (15) feet high.
3.

Square feet of gross floor area	Required number of berths

25,000 up to & including 40,000	1
40,001 up to &including 100,000	2
100,001 up to & including 160,000	3
160,001 up to & including 240,000	4
240,001 up to & including 320,000	5
320,001 up to & including 400,000	6
For each additional 90,000 over 400,000	1 additional

In addition, there shall be area or means adequate for ingress or egress which shall be so arranged as to permit maneuvering of a truck to reach a loading space by a single backing movement, utilizing property on the lot only.

G. Landscaped area requirements Each lot shall provide and maintain a landscaped area in the front and side yard setback area. Such landscaped areas must cover at least thirty-five percent (35%) of the total front and side yards and shall be designed to prevent automobiles from crossing or driving onto them. A landscaped strip at least ten (10) feet wide, exclusive of walks and driveways, shall be provided on each street property line. The area shall be suitably treated with ground cover, trees, and shrubs to present an attractive appearance to the industrial district. (Ord. No. B-425, Art. 3-8.)

H. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 9.)

Non-Urban District (NU)

A. General description This district is intended to encompass areas within which rough natural topography, geological conditions, or distances from urbanized areas cause practical difficulty or excessive cost in providing public services and facilities. This district is designed to restrain development which would require a burdensome or disproportionate expenditure of public funds for the provision of necessary supporting facilities.

B. Permitted uses

1. Farming, including the cultivation and sale of any plant crop or domestic animals.
2. Dairy farming
3. Hunting and fishing and the propagation of wildlife of any kind
4. Public or private parks
5. All public utility facilities
6. Single family dwellings
7. Commercial gardens, plant nurseries and green houses

C. Permitted uses on review

1. Logging operations, sawmills, and mill storage of lumber
2. Extraction of raw materials from the earth and the processing thereof, but not to include manufacturing of a product
3. Commercial or cooperative feed or grain storage
4. Radio, television, and communication transmitting or relay towers and facilities
5. Airports and landing strips
6. Non-profit private clubs and recreational land uses
7. Fairgrounds
8. Sanitary land fills
9. Riding stables and kennels
10. Cemeteries

(Ord. No. B-425, Art. 3-10.)

D. Restrictions All area regulations, height requirements, yard requirements off-street parking and loading requirements, screening requirements, sign requirements and other necessary restrictions will be determined by the Planning Commission on review. (Ord. No. 0-2011-2, Sec. 11.)

Education District (E-1)

A. General description This district is intended to include all uses of the two institutions of higher education in Arkadelphia because of their very specialized and unique needs and problems.

B. Permitted uses Institutions of higher education.
(Ord. No. B-425, Art. 3-11.)

C. Restrictions All area regulations, height regulations, yard requirements, off-street parking and loading requirements, screening requirements, sign requirements, and other necessary restrictions will be determined by the Planning Commission on review. (Ord. No.0-2011-2, Sec. 12.)

Planned Residential District

A. General description The Planned Unit Development Districts are established to permit the combination of subdivision and zoning review for parcels of land into one process in order that all aspects of a proposed development can be reviewed and acted upon simultaneously. It is also the intent of this article to permit the use of general guidelines rather than fixed zoning or subdivision regulations in the administrative review of specific development plans. Therefore, applicants may be granted relief from specific regulations and may be awarded certain premiums in return for assurances of overall planning and design quality or which will be of exceptional community benefit and which are not now required by other regulations. Signs in the PRD shall be approved as part of the approval process for the

development. (Ord. No. 0-2011-2, Sec. 13.)

B. PRD – Planned Residential District

1. Purpose and intent The PRD District is intended to accommodate mixed or clustered residential developments. The legislative purpose, intent, and application of residential planned unit developments are as follows:

   a. To encourage a variety and flexibility in land development and land use for predominantly residential areas, consistent with the long-range comprehensive plan and the orderly development of Arkadelphia.
   b. To provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis.
   c. To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
   d. To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
   e. To encourage the efficient use of those public facilities required in connection with new residential development.

2. Permitted uses Permitted uses in this district shall include:

   a. All residential uses permitted by the municipal plan and compatible with the density of the area.
   b. Parks, recreation facilities, and open space.
   c. Public and institutional uses such as schools, churches, and public utilities.
   d. Incidental neighborhood convenience commercial and quiet office/professional uses with gross leasable area not to exceed four percent (4%) of total gross floor area in the development.

3. Condition uses Conditions uses as defined in the ordinance for residential development and subject to special review, conditions, and approval.

More specifically, a conditional use of this category may contain, as an integral part of a residential development, shopping facilities for service to the residents if designed as a unit of limited size and controlled by more restrictive and specific regulations than would result from a reclassification of the area so used to a Neighborhood Retail-Service Use District. No other commercial use of a Planned Unit Development in an R District shall be authorized except an office building or building to be occupied primarily by

administrative, clerical, accounting or business research organizations where the principal use does not involve any of the following:

a. The handling or display on the premises of any merchandise or the rendering of any merchandising services except as permitted as an accessory use for the accommodation of the occupants.
b. Frequent personal visits of clients, members, customers or other persons not employed on the premises.

4. Yard and area requirements Building height and density requirements shall be the same as for the district in which the tract of land is located, provided, however, that for two-family dwellings and multiple dwellings in a proposed project located in Districts R-1 and R-2, the density requirements shall be those designated for such uses in the R-3 District. However, for all dwellings in any proposed project the minimum lot area per dwelling otherwise required may be reduced by the commission by not more than twenty percent (20%) when in its opinion justified by superior design and other favorable characteristics or features of the proposed project.

Yards and courts shall be of such size as to be in concert with and appropriate relative to the requirements for the district in which the tract of land is located.

5. Eligibility requirements and staging

a. Location Eligible properties include those located within the Arkadelphia city limits and lands outside the corporate limits over which the city exercises zoning jurisdiction as permitted by Arkansas statutes.
b. Ownership Eligible applicants for preliminary plan review must be the landowners of record, holders of a lease for not less than fifty (50) years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in the article.
c. Minimum size Eligible properties must normally be two (2) acres or larger in size (gross acreage). Slightly smaller parcels may be eligible, provided the applicant can show that the proposed Planned Unit Development can meet the intent and regulations of this article without injury to the public health, safety, and welfare. Specifically, such a parcel should be bounded on all sides by streets, public open space or the boundary lines of less restrictive use districts. It must have a minimum of fifty (50) feet access to a public street.
d. Staging While this ordinance encourages submission of comprehensively planned development proposals of entire ownerships, a preliminary development plan need not cover the entire property owned by the applicant.

Applicant may choose to submit a phased development program incorporating incremental final development plan/plats for subareas of the entire ownership. Although the entire ownership must be shown, a boundary survey or some type of device showing streets, drainage or other boundary feature must be provided in order to phase development. Where this is done, the applicant shall adhere to the approved development schedule for the phased submission of the final development plan/plat.

If the applicant cannot adhere to the time period approved, he may submit a written request for extension from the Planning Commission. A maximum of two (2) one-year extensions may be granted by the Planning Commission which, upon demonstration of good cause, shall not unnecessarily withhold approval. Additional extensions shall require approval of the Board of Directors.

e. Project commencement In accepting a Planned Unit Development plan for review, the Planning Commission must be satisfied that project developers will start construction within one (1) year of final approval by the City Board.

6. General project requirements

a. The proposed project must complement the comprehensive master plan of the community and properly provide for the implementation of those features of such plan affecting the tract of land in question.
b. The proposed project must not adversely affect neighborhood properties.
c. The proposed project must be at a location where traffic congestion does not exist at present on the streets to be used in conjunction therewith and where undue congestion will not likely be created as a result of the proposed project.
d. The plan of the proposed project must provide for the integrated and harmonious design of buildings, for adequate and properly arranged facilities for internal traffic circulation and off-street parking, for appropriate and desirable landscaping, and for such other facilities and features as may be necessary to make the proposed project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing and potential developments.
e. The proposed project must conform to the requirements and standards set forth herein.
f. The proposed project will be served by and all buildings for human occupancy shall be connected to both a public sanitary sewer and a public water supply.
g. The plan shall include a proposed maximum average density per acre, not including streets, which shall not exceed twenty (20) families per acre. Provisions for maintenance off areas set aside for

streets and common open space shall be included. This open space and streets shall not be sold or disposed of except to an organization established for the purpose of perpetuating and maintaining the open space, or by dedication to the city when such dedication is acceptable to the city.

h. If the proposed project contains twenty (20) acres or more, at least five percent (5%) of the acreage of the site shall be developed as one or more neighborhood recreation areas. If the proposed project contains less than twenty (20) acres, the required area for recreation purposes shall be 2,000 square feet for the first fifty (50) dwelling units or fraction thereof, plus thirty (30) square feet for each additional dwelling unit in excess of fifty (50). Such recreational areas shall be maintained in good order by the owner of the development or if accepted by council may be dedicated to the city for use as public neighborhood facilities.

i. The design and construction of streets and places to be developed within the proposed project site shall conform in all respects to the requirements for such facilities contained in the regulations governing the subdividing of land in the city. There shall be provided at least one off-street parking space for each dwelling unit and for all other permitted uses, off-street parking spaces shall meet the requirements for development and maintenance stipulated in this code.

j. The location, design and construction of all utility facilities shall conform in all respects to the requirements for such facilities contained in the regulations governing the subdividing of land in the city.

k. Service drives and all service facilities shall be located entirely within the proposed project site.

l. All areas not used for access, parking, building, circulation or service shall be landscaped as may be deemed appropriate by the Commission to make the proposed project effective and efficient and to protect neighboring property and development from adverse effects that may result from such project. The entire site area of the proposed project shall be maintained in good condition.

m. If one or more buildings are proposed to be located in a hillside area, the maximum building height for such buildings may be increased one story over that otherwise permitted, provided, however, that there shall be provided at least one entrance from an access street or drive for each two and one-half (2½) stories of building height. For this purpose a "hillside area" means a parcel of land within which fifty percent (50%) or more of the area has a slope of fifteen percent (15%) or greater.

n. The Planning and Zoning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of the proposed project as it may deem necessary for the protection of adjacent properties and the public

health, safety and general welfare.

7. Submission requirements The application for review of a preliminary plan for a PRD shall be submitted to the city in triplicate and include scaled drawings certified by a registered engineer. The preliminary plan shall include the following documents and information:

a. Preliminary Development Plan submittal

(1) Quantitative data including the following information:

(a) Parcel size
(b) Types and numbers of permitted uses and floor areas
(c) Proposed building coverage
(d) Total acreage of private and common usable and non-usable open space by type
(e) Conditional uses as defined in this zoning ordinance

(2) A topographical cross section map of the site.
(3) A site plan meeting the following requirements:

(a) Submittal on a sheet not to exceed 24" x 36", or less than 12" x 14" and containing a small scale vicinity map
(b) To scale (scale indicated) and directionally oriented
(c) Proposed lot lines and plot designs
(d) Existing and proposed circulation system of all streets (arterial, collector, residential) including off-street, parking areas, service areas, loading areas, and major points of access to public rights-of-way (ingress and egress)
(e) Existing and proposed pedestrian circulation systems
(f) Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences, and walls as well as description of uses, setbacks and their relationship to surrounding uses
(g) General schematic landscape plan of the treatment of the area used for private and common open spaces (including open space buffers)
(h) Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public use.
(i) Location, dimensions, nature of all existing and proposed easements (utility, streets) and public improvements (drainage, sewers, water, etc.)

(j) Indication of location of structures and structure dimensions, dimensioned distances between buildings, and distance from structures to property lines

(k) Description of the following existing conditions of the property:

Contours at 2 ft. intervals
Watercourses
Floodplains
Unique natural features
Forest cover

(l) A legal description of the total site proposed for development, including a statement of present and proposed zoning

(m) A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed

(n) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Unit Development, including land areas, and dwelling units

(o) An approved preliminary plat in accordance with the subdivision ordinance for the city of Arkadelphia

(p) Submit a detailed schedule of events for final plat recording when associated with a condominium development

The building permits may be issued upon request by the owner or developer based on the approved final development plan/plat and the approved preliminary subdivision plat.

Engineer of record shall provide the City Engineer with copies of the proposed condominium or final plat as proposed for recording. The city staff will insure that all requirements have been met, and that the plat will be proper for recording, subject to an as-built survey of the site.

b. Final Development Plan/Plat submittal The final development plan/plat shall contain or include all information required in a preliminary plan, plus the following:

(1) A letter from the applicant requesting final development plan review

(2) A description of the maintenance provisions of the development

(3) Final subdivision plat

(4) Survey of the property
(5) The proposed development schedule including:

(a) Starting date
(b) Dates when various phases are projected to be completed

(6) A site plan with the required preliminary plan information, plus the following:

(a) Indication in feet of the interior curb radius for all vehicle turning movements within, into and off the site
(b) Illustration of proposed street improvements to be provided in relation to property lines including additional dedication, if required, and width of curb cuts and sidewalks, if required
(c) Illustration of existing and proposed water supply for fire protection, utility systems including sanitary sewers, storm sewers and water, electric, gas, and telephone lines, and evidence of approval from the responsible jurisdictions or companies
(d) Illustrations of location of structures and structure dimensions, dimensioned distances between buildings, and distance from structures to property lines indicating any changes from the preliminary plan
(e) A landscaping and screening plan showing the location, size, and specific types of landscaping materials, fencing and other buffers from other than single family developments

(7) All legal instruments as specified by the City Attorney
(8) Filing fee as required by Subsection 8

8. Application fees Filing fees for Planned Unit Development applicants shall be those established from time to time by the Board of Directors.

In the event that a preliminary plan application is withdrawn prior to Planning Commission action, the applicant shall be entitled to a refund as established from time to time by the Planning Commission, provided, however, there shall be no refunds of any portion of fees paid on applications amended or denied in the review process. If a new application is filed on the same or portion of the same property after a prior petition has been acted upon or withdrawn, the subsequent application shall be considered a new application, and fees charged accordingly.

9. Application review procedure Three steps must be completed by the

developer prior to approval of the Planned Residential Development:

a. Step 1 – Pre-application conference Before submitting an application for any Planned Unit Development, the landowner or his authorized agent shall confer with the City Engineer in order to become familiar with the Planned Unit Development review process. The City Engineer will inform the applicant of any perceived potential problems that might arise. A further purpose of the pre-application conference is to make sure that the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys, and other data required in a preliminary development plan. Following the conference the preliminary plan may be submitted to the Planning Commission.

b. Step 2 – Preliminary plan review and approval Upon receipt of the preliminary plan by the city, a public hearing date on the plan will be set no later than sixty (60) days after filing according to specifications set forth in the city's Land Use Ordinance. At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the Planned Unit Development proposal. The Planning Commission will assess the proposal in light of ordinance and guidelines and will take action after weighing the recommendations of the City Engineer, the developer's presentation, and the community's response. The Commission shall approve, grant approval conditioned on specified modifications, or disapprove the Planned Unit Development proposal. The applicant will receive written notification of the action taken by the Planning Commission within ten (10) days of the meeting date.

c. Step – 3 Final plat review and approval Upon determination by the Planning and Zoning Commission that the proposed project as shown on the preliminary plan conforms to all of the applicable provisions of this chapter, the owner of the tract involved shall incorporate any changes or modifications required by the Commission. After receipt of such final plan and the finding that it meets all the stipulated requirements, the Commission shall submit such plan to the Board for final approval. Upon final approval of the Planned Unit Development by the Planning Commission and City Board and the filing of the covenants, restrictions and dedications, a building permit may be issued provided other building ordinances of the city have been complied with.

d. Changes to final development plan Any change in the final development plan desired by the owner of the tract of land involved shall be submitted as part of a revised preliminary plan which shall be reviewed in the same manner as the original plan. Upon approval by the Board of a revised final development plan, the original final

plan shall be considered void and the revised final plan shall have the same force and effect as if it were the original plan.

e. Disapproval by the Planning Commission of the preliminary development plan If a preliminary development plan is denied, the applicant may appeal to the Board of Directors, provided a written request is filed within thirty (30) days of the denial by the Planning Commission. The appeal process shall be consistent with the city Land Use Code. (Ord. No. B-425, Art. 3-12.)

Bed and Breakfast

A. Subject to approval by the Planning Commission, Bed and Breakfast establishments will be allowed in all commercial zones, being C-1, C-2, C-3 and C-4; in residential districts, R-2 and R-3; in non-urban districts; and in educational districts.

B. The owner or resident manager of the Bed and Breakfast shall occupy the facilities at all times if the facility is located in a residential zone. In all other zones, the owner or resident manager shall occupy the facility while it is occupied by guests.

C. In residential districts, the breakfast meal only may be served, but in all other zones, breakfast, lunch, and dinner may be served. Meals may be served to overnight guests only.

D. One solid surface, concrete or asphalt, off-street parking space will be provided for each rental room and two spaces for the resident. If the zone in which the facility is located requires additional off-street parking, the minimum shall be that required for the specific zone in which the facility is located.

E. All city building and fire codes must be complied with prior to opening for business.

F. All exterior signage must comply with the requirements for the zone in which the facility is located.

G. Bed and breakfast operation is defined as a residential structure where short-term (maximum of seven [7] consecutive days) lodging rooms and meals are provided and complies with all other provisions of this ordinance and all other laws and ordinances. (Ord. No. 0-98-2, Secs. 1-8.)

Residential Redevelopment District (RRD) This district intended to be applied to the "Sweet Hill" area of Arkadelphia. This district will provide for the comprehensive development and redevelopment of this residential district affected by the March 1, 1997, tornado and its surroundings. The area is shown on a map as Exhibit A and a street description in Exhibit B attached. More specifically the purposes and intents include:

1. To encourage development which is consistent with the long-range comprehensive plan of the city.

2. To accommodate small and larger scale single or mixed use developments in a harmonious relationship.
3. To encourage mixed use development which includes single family, duplex, and multi-family housing units as well as compatible commercial concerns.
4. To encourage orderly and systematic development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
5. To encourage the redevelopment of a neighborhood ensuring maximum economic viability for the property owners.

A. Permitted uses

1. One-family dwellings
2. Two-family dwellings
3. Multi-family dwellings not to exceed twenty (20) units per acre
4. Churches or similar places of worship
5. Public schools and private schools offering similar educational courses
6. Kindergartens (public and private)
7. Child care institutions
8. Public parks and playgrounds and other municipal recreational uses
9. Accessory structures and uses pertinent to the principal structure and use
10. Home occupation
11. Unoccupied utility substations
12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed
13. Parking lot provided to serve the uses permitted in this district
14. Commercial uses developed as an integral part of residential developments
15. Other uses deemed appropriate upon review by the Planning Commission

B. Uses permitted on review Mobile home parks may be permitted on review by the Planning Commission, subject to the conditions set forth in the underlying R-3 Zoning Ordinance.

C. Multi-family units must be located in areas of the city where adequate public facilities existed prior to development or these facilities would be provided in conjunction with development. The multi-family residential use district may also be developed as a buffer or transitional zone between R-1 and R-2 districts and incompatible uses.

D. Within the medium density developments, zero lot line units or single-family dwellings on lots without side yard setback requirements on one side yard would be permitted when approved, in writing, by adjoining side yard property owners only. The townhouse concept, which permits construction of single-family dwellings abutting one another without side yard between individual units would also be permitted when approved, in writing, by adjoining side yard property owners only. These types of development shall be permitted in accordance with new development only.

E. Yard requirements – Single-family non-townhouse – without written consent of adjoining property owner

1. Single-family Each lot shall have front, side, and rear yards not less than the depths or widths following:

   a. Front yard: to be determined by the Building Official, but in no case less than ten (10) feet.
   b. Side yard: minimum of six (6) feet from the property line
   c. Yard on side street: minimum of ten (10) feet from the property line
   d. Rear yard: minimum of ten (10) feet from the property line
   e. Unattached accessory building: shall be required to set back at least four (4) feet from a rear alley way and shall be allowed to abut the property line on lots without alley ways, and they shall not cover more than thirty percent (30%) of the rear lot line, when set back less than ten (10) feet.
   f. All newly constructed buildings must be a minimum of twelve (12) feet from any existing building.

2. Multi-family Multi-family front, side and rear yards are subject to the conditions set forth in the underlying R-3 Zoning Ordinance.

F. Area requirements

1. Single-family

   a. Lot area regulations

Zero lot line townhouse development	Minimum 2,250 sq. ft.
One-family	Minimum 4,000 sq. ft.
Two-family	Minimum 6,000 sq. ft.

   b. Lot width regulations

Zero lot line townhouse development	Minimum 25 feet
One-family	Minimum 40 feet
Two-family	Minimum 60 feet

2. Multi-family – subject to the conditions set forth in the underlying R-3 Zoning Ordinance except for developments of four or less units. These projects need, comply with density requirements only.

G. Height Maximum height for a structure within the R-3 District shall be two and one-half (2 ½) stories and not to exceed thirty-five (35) feet.

H. Off-street parking 1, 2 and multi-family dwellings – two (2) spaces per dwelling unit.

I. Sign requirements All signs shall conform to the requirements of Chapter V. (Ord. No. 0-2011-2, Sec. 15.)

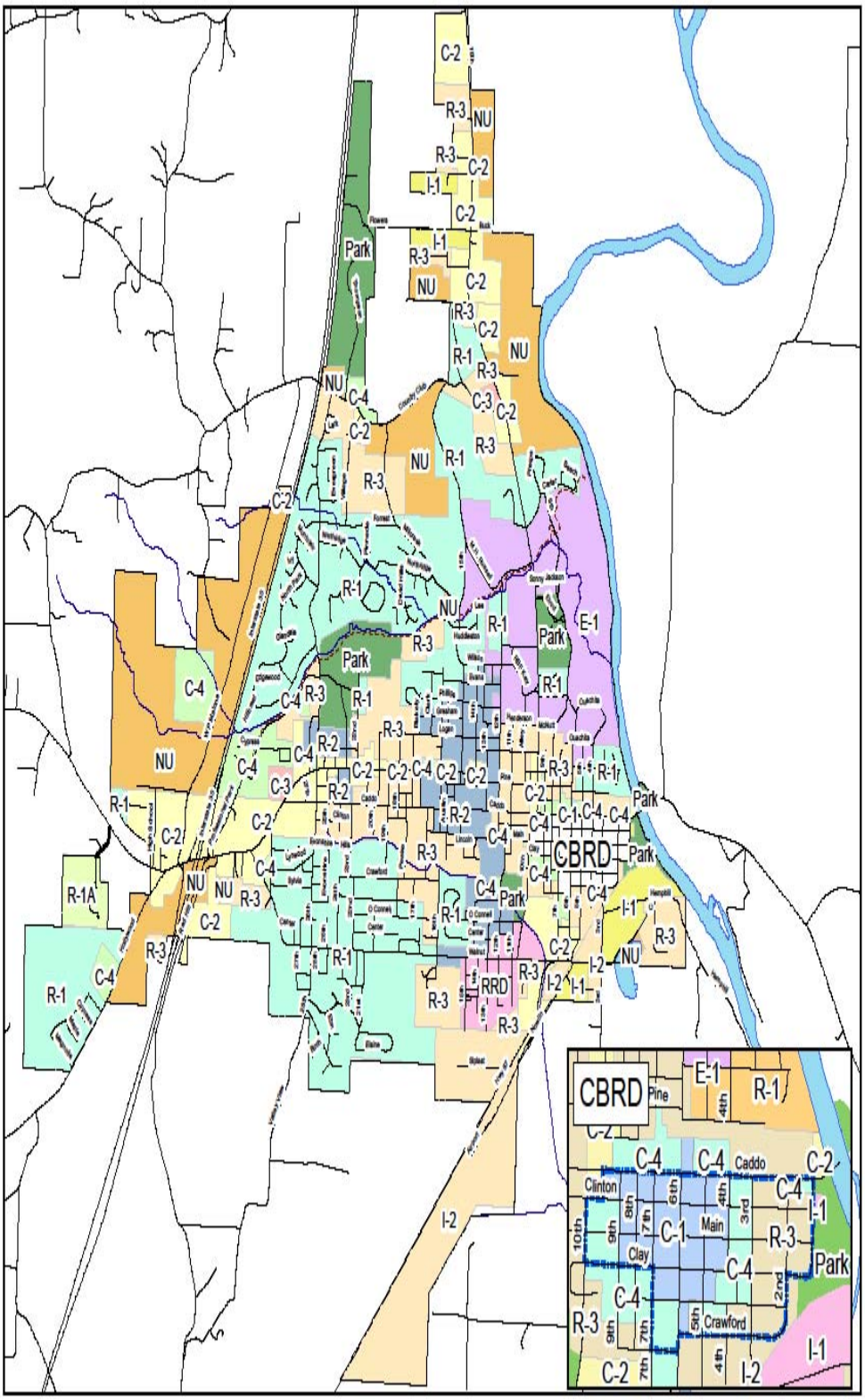
J. In the RRD District driveways and parking spaces are required to be constructed with an impervious surface and paving is encouraged but not required. (Ord. No. 0-98-9, Sec. 1.)

14.04.04 Zoning map The use zones described herein are designated on a map titled Zone Districts Map – City of Arkadelphia, and said map is part of this ordinance. Lines indicating the boundaries of the use districts on Zone Districts Map – City of Arkadelphia are intended to follow city limit lines, center of street right-of-way, existing property lines, and center of main channel of creeks. (Ord. No. B-425, Chapter IV.)

Arkadelphia Zoning Map

City Limits
Feaster Trail
Creeks
Arkadelphia Street Centerlines
Ouachita River

CBRD
C-1
C-2
C-3
C-4
E-1
I-1
I-2
NU
Park
R-1
R-1A
R-2
R-3
RRD



Chuck Fitzsimmons
Arkadelphia Water Utilities
GIS/IT Specialist
02-06-2014

14.04.05 General provisions applying to all or several districts

ANNEXATION Art 5-1

A. Territory annexed to the city of Arkadelphia after adopting of this ordinance shall be given zone designations within one hundred twenty (120) days after the effective date of annexation in accordance with the amendment procedures of this ordinance.

B. Before official zone designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan. (Ord. No B-425, Art. 5-1.)

USES PERMITTED Art 5-2

A. Temporary Mobile homes may be permitted on single lots in residential districts on a temporary basis by the Planning Commission for a period of not longer than one (1) year, provided the Commission makes a finding to the effect that the occupant or proposed occupant of the trailer would suffer a material hardship, other than a financial hardship, if the mobile home were not to be located on said lot. This temporary use may be renewed on an annual basis as long as the hardship exists. However, such use shall be permitted only subject to the following conditions.

1. The mobile home shall be located not less than ten (10) feet from any lot line or fifteen (15) feet from a residential structure.
2. No rent or other compensation shall be paid for the privilege of parking the trailer on said lot.

B. Permits for temporary non-conforming uses Upon application to the Board of Adjustment, permits may be issued for temporary uses such as: the sale of produce in season; bazaars and carnivals; and offices, signs or other uses necessary for the sale or construction of property or buildings. Permits so issued shall be subject to such limitations as the Board of Adjustment may impose to protect the character of the district or districts affected. (Ord. No. B-425, Art. 5-2.)

COMPLETION OF EXISTING BUILDINGS Art 5-3

A. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of this ordinance.

B. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of this ordinance, provided construction is started on said building within one hundred twenty (120) days after adoption of this ordinance. (Ord. No. b-425, Art. 5-3.)

APPLICATION OF REGULATION TO THE USES OF MORE RESTRICTIVE DISTRICTS Art 5-4

A. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to conditions set forth in the regulations of the more restrictive district unless otherwise specified.

B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes. (Ord. No. B-425, Art. 5-4.)

RELIEF FROM REQUIREMENTS FOR LOT AREA OR LOT WIDTH IN A RESIDENTIAL ZONE Art 5-5 On any lot separately owned in a residential zone at the time of passage of this ordinance and retained in continuous separate ownership, a single-family structure may be erected even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other area requirements are met. (Ord. No. B-425, Art. 5-5.)

AREAS NOT TO BE DIMINISHED Art 5-6 The lot or yard areas required by this ordinance for a particular building or use at the time of passage of this ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this ordinance. (Ord. No. B425, Art. 5-6.)

GROUP HOUSING PROJECTS Art 5-7 In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to individual buildings in such housing project, the application of such requirements to such housing projects may be changed by the Board of Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher than the standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located. (Ord. No. B-425, Art. 5-7.)

OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING Art 5-8

A. General intent and application It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the city of Arkadelphia. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Location The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.

C. Joint parking facilities Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirement.

D. Size of off-street parking space The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9' x 20' plus adequate area for ingress and egress.

E. Amount of off-street parking and loading required Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Single family dwelling Two (2) off-street parking spaces.
2. Duplex and multi-family dwelling Three (3) off-street parking spaces per dwelling unit. (Ord. No. 0-97-8, Sec. 1.)
3. Boarding or rooming houses or hotel One parking space for each two (2) guests provided overnight accommodations.
4. Hospitals One space for each four patient beds, exclusive of bassinets, plus one space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
5. Medical or dental clinics or offices Six (6) spaces per doctor plus one space for each two (2) employees.
6. Sanatoriums, convalescent or nursing homes One (1) space for each six (6) patient beds, plus one space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
7. Community center, theater, auditorium church sanctuary One (1) parking space for each three (3) seats, based on maximum seating capacity.
8. Convention hall, lodge, club, library, museum place of amusement or recreation One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
9. Office building One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services.
10. Commercial establishments not otherwise classified One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
11. Industrial establishments Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined, shall be the off-street parking requirement for the permitted use. (Ord. No. B-425, Art. 5-8.)

12. Mini-storage facilities, self-service storage facilities, commercial lease storage facilities Entire site exclusive of buildings and required landscaping shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use. Site must comply with applicable parking lot construction regulations. (Ord. No. 0-2013-10, Sec. 1.)

F. Paved surface required All parking spaces shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use. (Ord. No. B-425, Art. 5-8.)

DESIGN OVERLAY DISTRICT (DOD) Art 5-9 The design overlay districts are established to provide for enhanced design standards in addition to those already required in the zoning district.

A. Purpose and intent The purpose and intent of the DOD can vary from district to district to accomplish the goals and objectives of that district. Some of the purposes could:

1. To give particular attention to the existing architectural style or to a style which is planned so as to create an easily identifiable corridor in those districts identified as architecturally significant.
2. To encourage the redevelopment of an area consistent with a particular design theme.
4. To give special attention to signage, landscaping, parking, lighting, building setbacks and other design elements to create a uniform and functioning corridor.
5. To promote the safe and efficient use of an arterial roadway by controlling access and other traffic measures.

B. Districts established The City Board of Directors may establish design overlay districts as the needs are identified in order to implement specific purpose, intent, and design standards based upon an adopted land use plan for the area being regulated, which shall be applied as additional standards to other ordinance regulations required by the city.

C. Development criteria The development criteria for a particular DOD will be those standards as set out in each design overlay district. (Ord. No. 0-97-11, Art 5-9.)

SIDEWALKS Art 5-10 Sidewalks shall be built by the landowner or developer at the time of any new building construction where property abuts any street or public square.

New building construction A building for either residential or commercial use. It includes plumbing facilities for human beings and, in rare cases, does not include plumbing for human beings, such as parking lots, warehouses, etc. This ordinance does not apply to such things as remodeling existing structures, accessory structures, garages, and other similar types of building construction.

Sidewalks shall be built as follows:

1. Sidewalks shall be built on other principal arterial, minor arterial, and collector streets. (Refer to Master Street Plan, Figure 4, Urban Functional Classification, and Regulations to Control Development of Land for current street classifications.)
2. Sidewalks shall be placed in the street easement and abut the property line of the landowner/developer or along the street curb line, or as determined by the Planning Commission.
3. Sidewalks shall be a minimum of four (4) feet wide and on both sides of the street.
4. Sidewalks shall be built in accordance with Arkadelphia Ord. No. B-313.
5. Property owners are required to rebuild, maintain, and repair foot pavements or sidewalk improvements and curbing within ninety (90) days after notice has been served on them. Notice served on the agent in charge of the property shall be binding on the owner. Notice to be legal under this section must be approved by a vote of at least four (4) members of the Board of Directors. (Ord. No. 0-2004-11, Sec. 1.)

<u>REQUIREMENTS FOR FACTORY-BUILT HOMES AND STRUCTURES Art 5-11</u>

Definitions:

Factory-built home A residential dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured, mobile and modular homes.

Factory-built structure Any structure or building that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and for use other than as a home. All factory-built structures placed in the city of Arkadelphia after the date of passage of this ordinance must comply with all requirements of factory-built homes concerning their placement in the city of Arkadelphia plus any other requirements applicable to the commercial, industrial, or residential zone. (Ord. No. 0-97-22, Sec. 1-2.)

Federal Manufactured Home Construction and Safety Standards Promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et seq. as it existed on January 1, 1976.

Manufactured home A dwelling unit constructed in a factory in accordance with the federal standards and meeting the definitions set forth in the federal standards and under A.C.A. 20-25-102.

Mobile home A dwelling unit constructed in a factory before the enactment of the federal standards.

Modular home A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards.

A. All factory-built homes placed in the city of Arkadelphia after the date of passage of this ordinance must conform to federal standards and A.C.A. 20-25-102. Installation must be consistent with Arkansas standards set forth under A.C.A. 20-25-106 and manufacturer's design.

B. Factory-built homes that were built before 1976 are specifically prohibited from placement in the city under any circumstances because they were constructed before the enactment of the federal standards.

C. The placement of factory-built homes shall be allowed only in R-3, Multi-Family Residential Use Districts and mobile home parks.

D. Arkadelphia may establish reasonable regulations or conditions for the placement of factory-built homes within its jurisdiction. Factory-built homes shall be subject to regulations or conditions that are applicable to other single-family dwellings in the same residential district or zone. All single-family dwellings in R-3, Multi-Family Residential Use Districts must be underpinned (have perimeter foundation enclosed) with permanent masonry materials.

E. Anyone failing to complete the underpinning within ninety (90) days of electrical inspection shall be guilty of a misdemeanor and be subject to a daily fine of One Hundred Dollars ($100.00) for each day in violation. (Ord. No. 0-2003-7, Sec. 1-6.)

SIGN REGULATIONS Art 5-12

A. General provisions The following general provisions govern the permitting of signs in the city of Arkadelphia:

1. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in this section and shall be issued by the Planning and Zoning Official or authorized representative in accordance with these regulations.
2. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
3. All signs shall be erected, maintained, and abandoned in accordance with provisions of this and all other applicable city ordinances.

4. No sign shall be placed in, or over, any public or private property without the consent of the owner of the property.
5. Illumination devices shall be so placed and so shielded that rays from the devices or from the sign itself will not be directly cast into any residential zone, or sleeping room in any zone, or in the eyes of a vehicular driver.
6. No sign shall be placed on any utility pole except for utility identification.
7. Only signs installed or authorized by the state, county, or city may be placed on the public right-of-way.
8. No advertising sign shall be erected within fifty (50) feet of any adjoining residential zone boundary line if the sign faces perpendicular to the street that the building faces. Further, no flashing sign of any type shall be erected within one hundred fifty (150) feet of an adjoining residential zone boundary line if the face of such sign is perpendicular to the street the building faces.
9. No sign shall be permanently painted, pasted, or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any residential zone.
10. All signs shall be erected within the property lines of the premises upon which they are located. Sign and structure shall be set back a minimum of ten (10) feet from all property lines or projected right-of-way lines as shown on the Master Street Plan, or other distance as specified within this article, whichever distance is greater. No portion of a freestanding sign shall extend, be erected, or be placed in any street right-of-way. All structural pylons and supports must be setback a distance of at least five (5) feet from any easement.
11. Signs that, in the opinion of the Planning and Zoning Official or authorized representative, may be in conflict with public traffic signals shall not be permitted.
12. No person shall place, maintain, or display any otherwise authorized sign, signal, marking, or device which imitates or resembles an official traffic control device, emergency light, or railroad sign or signal or which has the effect of disrupting the movement of traffic. No person shall place, maintain, or display any sign that hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or signal.
13. Signs and sign structures attached to the wall of any building shall not extend more than six (6) feet above the roofline.
14. No sign shall be constructed in such a way as to interfere or extend into contact with any overhead wires.
15. The allowable display surface allowed shall be computed on the basis of one side of a double-sided sign.
16. No sign shall be abandoned without approval of the Planning and Zoning Official or authorized representative.
17. No sign shall be placed on any tree.

B. Exemptions This article does not relate to building design, nor does it regulate the following:

1. Official traffic or governmental signs
2. The copy and message of signs
3. Indoor window displays
4. Product dispensers
5. Scoreboards on athletic fields
6. Advertising at public athletic fields
7. Flags of any nation, government, or non-commercial organization
8. Gravestones
9. Barber poles
10. Religious symbols
11. Commemorative signs, tablets, or plaques approved by the Arkadelphia Board of Directors
12. Signs required to be maintained by law or governmental order, rule, or regulation
13. The display of street numbers
14. Any display or construction not defined as a sign
15. Off-premise open-house signs for the day on which the open house is conducted
16. Temporary athletic and other event announcement signage in E-1 Districts
17. Residential decorative/ornamental signs excluding advertising

C. Prohibited signs The following signs are prohibited within the city of Arkadelphia:

1. Signs imitating warning signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "Stop," "Danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicular driver.
2. Signs within street or highway right-of-way: No sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
3. Certain attached and painted signs: Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings.
4. Billboards are not permitted within the corporate limits of the city of Arkadelphia
5. Hand-tacked signs
6. Off-premise signs except as permitted elsewhere in this Ordinance. This includes signs or banners attached to or painted on vehicles or trailers that are parked/stored at an off-premise location, when not conducting business at the immediate time, in such a manner as to become temporary off-premise advertising.
7. Portable signs except as allowed under other specific provisions of this ordinance. This includes signs or banners attached to or painted on vehicles

or trailers that are parked/stored at an off-premise location, when not conducting business at the immediate time, in such a manner as to become temporary off-premise advertising.

8. Roof-mounted signs.

D. Temporary signs Are portable and intended for impermanent use for a limited or specified time period. A permit shall be obtained through the Building Department.

1. Permit Required:
   a. One sign per 50 ft. of lot width for up to five days for special purpose permits and no more than sixty days annually.
   b. Sign must be less than 16 square feet
   c. Permit fee: $5 per temporary sign.
   d. Permit sticker shall be applied to each sign.
   e. Exempt from the fee and setback sections of these regulations.

E. Requirements applying to specific signs The following regulations apply to specific type signs as noted:

1. Wall signs Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

   a. The display surface area of such sign shall not exceed fifteen percent (15%) of the square footage of the wall to which it is attached up to a maximum sign size of two hundred (200) square feet.
   b. Such sign shall be located on the front wall of the building that is oriented to the street from which access is derived. For uses with two (2) street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
   c. Such sign shall not project outward from the building more than twenty-four (12) inches.
   d. Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.

2. Pole or ground signs Signs on poles where permitted are subject to the following standards:

   a. A premise shall be permitted to have one ground or pole sign for each street frontage.
   b. Such signs shall have a maximum display surface specifically allowed within Section M: Signs Permitted in Commercial Zones or Section N: Signs Permitted in Industrial Zones.
   c. The maximum height of a pole sign shall be thirty (35) feet except

that signs located within three hundred (300) feet of Interstate 30 may be fifty (50) feet.

3. Ground-mounted signs Ground-mounted signs are subject to the following standards:

   a. Ground-mounted signs may not exceed six (6) feet in height except as allowed in the following section.
   b. Ground-mounted signs which are integrated into an attractive brick, stone, or wood architectural feature or an earthen berm, all of which shall be permanently landscaped with a sprinkler system, may exceed six (6) feet in height to a maximum of ten (10) feet. Signs may not exceed eighty (80) square feet.
   c. Ground-mounted signs must be located so that they do not obstruct the view of traffic from any intersection, street, or driveway.

4. Signs on work under construction Non-illuminated signs not exceeding thirty-two (32) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted for construction, alteration, or removal work. They shall be set back not less than fifteen (15) feet from any property or right-of-way line, whichever distance is greater. Such sign shall be removed within seven (7) days after completion of the project.
5. Temporary subdivision signs Temporary signs not exceeding thirty-two (32) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen (15) feet from any property line or right-of-way line, whichever distance is greater. Such signs shall be spaced not less than five hundred (500) feet apart within a single subdivision. They shall be removed when seventy five percent (75%) of the lots are conveyed.
6. Sign, directional Signs indicating directions shall not exceed six (6) square feet.
7. Neon signs Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements.
8. Temporary signs The Planning and Zoning Commission may issue a temporary permit for the placement of a temporary sign on an individual site for a period not to exceed thirty (30) days in any twelve (12) month period. Electrical service for illuminated signs shall meet the provisions of the city building and electrical codes.
9 Political signs They are allowed without permit, in any zone. Signs over four (4) square feet in surface area and/or over four (4) feet in height are required to be set back at least ten (10) feet from the property line or right-of-way line, whichever distance is greater. All such signs must be removed within seven (7) days following the last election in which the specific candidate advertised in the sign will participate in the designated election

cycle. Maximum size sign allowed in a residential zone is nine (9) square feet. Maximum size sign allowed in a commercial zone is thirty-two (32) square feet.

10. Real estate signs In any residential zone, real estate signs may not be larger than nine (9) square feet in size and only one (1) sign is allowed for each side of the structure hat faces a public street. In all other zones, real estate signs may be no larger than thirty-two (32) square feet. Off-premise real estate signs are permitted with a required special use permit from the Planning Commission. Written permission of the landowner is also required. Off-premise open house signs are exempted per Section B.
11. Balloon signs The height of a tethered balloon sign shall not exceed thirty-five (35) feet at maximum height or shall not possess a tether of such length that, during straight-line winds, the sign would extend beyond any property line of the property containing the sign or into a public sidewalk, whichever is less. One (1) balloon sign per site shall be permitted.
12. Banners They shall not be placed in such a manner as to obstruct the view of drivers or of pedestrians using public walkways. Banners that become frayed or tattered must be removed or replaced. One (1) banner per site shall be permitted.

F. Permits Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in this section:

1. Application for a permit for the erection, alteration, or relocation of a sign, when allowed by this article, shall be made to and approved by the Planning and Zoning Official or authorized representative.
2. Form or forms may be required to provide the information necessary to administer the provisions of this article. As a minimum the following information is required.

    a. Height of sign
    b. Sign face detail (both sides, if applicable)
    c. Structure and/or support details
    d. Location of sign in relation to street(s), property line(s), easement(s), building, and private drives.
    e. Location of any property lines that may be affected by the sign.
    f. Copy of agreement with property owner if property is leased.

3. All requests for sign permits must be approved by the Planning and Zoning Official or authorized representative.
4. It shall be the contractor's or owner's responsibility to call for a final inspection when construction of the sign has been completed.
5. All electrical work performed in conjunction with the installation of a sign shall require an electrical permit as described in the city Electrical Code.
6. All signs must be designed and constructed to meet all the requirements pertaining to sign design and construction as stated in the city Building Code.

G. Signs for which a permit is not required A permit is not required for the following types of signs in any zone. All portions of signs must be set back a minimum of ten (10) feet from all property lines or as otherwise stated in this section, whichever distance is greater.

1. Traffic, directional, warning, or information signs authorized by any governmental agency.
2. Official notices issued or required by any court, government agency or officer.
3. Church bulletin board sign located not less than fifteen (15) feet back from the street right-of-way line not exceeding thirty-two (32) square feet.
4. One (1) non-illuminated "For sale," "For rent" or "For lease" on-premise sign located not less than fifteen (15) feet back from the street right-of-way line, unless attached to the front wall of a building, and not exceeding the square footage as set forth in E.10 of this article.
5. Allowed home occupation signs.
6. Maintenance of a sign or for a change of copy on painted, printed, or manual changeable copy signs.
7. Political signs.
8. Construction signs as set forth in E.4 of this article.

H. Fees Unless otherwise modified by ordinance, fees for a sign permit shall be as follows: A Fifteen Dollar ($15.00) permit fee and a Ten Dollar ($10.00) application fee. Non-residential permits will also require a state surcharge tax.

I. Term and issuance of permit Sign permits shall be approved subject to the following conditions:

1. Issuance Sign permits shall be either denied or issued within thirty (30) working days following submittal to the Building Department. If the department has not acted upon a permit application within thirty (30) working days, the application shall be automatically approved.
2. Term Each permit shall be valid until the sign is removed, or the city requests removal due to unsatisfactory condition.

J. Maintenance All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and natural growth of grass or weeds. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Planning and Zoning Official or authorized representative is hereby authorized to order the repair or removal of any sign that is defective, damaged, substantially deteriorated, or presents a public hazard, as defined in the edition of the Building Code in force in the city. The permit holder will have thirty (30) days to bring signs into compliance.

K. Signs permitted in all districts The following signs are permitted in all districts:

1. All signs not requiring a permit
2. One (1) construction sign for each street frontage of a construction project, subject to the requirements of Section E.4 of this article.
3. Real estate signs as further restricted herein
4. One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarder, or roomers.
5. Political signs in accordance with Section E.9.

L. Signs permitted in residential districts including the Residential Redevelopment District The following signs may be permitted in all residential districts, all other signs being specifically prohibited:

1. All signs permitted in Section K. Signs permitted in all districts of this article.
2. Signs larger than two (2) square feet but not larger than thirty-two (32) square feet may be permitted by special permit from the Planning Commission for apartment buildings, schools, churches, hospitals, parks, farms, and other special uses approved for the zoning district. Such signs shall indicate nothing other than the name and/or address of the premises and name of the management except that church signs may include information concerning services and other information related to their ministry.
3. One (1) subdivision identification sign per neighborhood, subdivision, or development.
4. One (1) sign per street frontage, except that no advertisement for off-the-premises goods and services will be permitted.
5. A sign identifying a home occupation may not exceed four (4) square feet solely to identify the business, occupation, or profession, and such sign must be physically attached to the structure, except within R-1 where home occupations are prohibited. The sign may be placed as freestanding sign, not higher than four (4) feet, upon documented proof of such requirement mandated by the federal or state government.
6. Temporary signs advertising garage or yard sales, provided that such signs shall be removed within twenty-four (24) hours after the end of the sale. The size of the sign will not exceed six (6) square feet. Signs must comply with prohibited signs as set forth in Section C of this article.

M. Signs permitted in commercial districts Signs within the various commercial districts shall conform to the following regulations:

1. Signs in Commercial C-1 Districts may be permitted subject to the following regulations:

    a. All those signs permitted in the residential "R" districts are allowed

in commercial "C" districts.

b. Wall signs are allowed subject to the provisions of Section E.1. However, advertising signs painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited except for the restoration of historic "Ghost Signs."

c. For principal uses, business signs shall be permitted on the basis of one (1) sign not exceeding two (2) square feet of sign area for each one (1) linear foot of building facade, but the maximum total of all permitted signs for a façade of any establishment shall not exceed eight (80) square feet.

d. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum seven (7) feet above the surface of the sidewalk. Sign not to exceed eight (8) square feet.

2. Signs in the C-2 Districts may be permitted subject to the following regulations:

a. All those signs that are permitted in the residential "R" districts are allowed in commercial C-2 Districts.

b. <u>Freestanding signs for single-tenant structures</u> Each single-tenant structure is allowed freestanding signs provided that the display surface of such signs shall not exceed eighty (80) square feet except that the display surface may be increased two (2) square feet for each foot of street frontage beyond one hundred (100) feet to a maximum display area of one hundred twenty (120) square feet. The signs must have a setback of a least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater.

c. One (1) freestanding sign is allowed per lot or commercial street frontage. For buildings on corner lots, one additional freestanding sign is allowed on the additional street frontage. For such corner lots, one (1) frontage must be designated as the main frontage, and one (1) must be designated as the minor frontage. Signs on the minor street frontage must not exceed seventy-five percent (75%) of the size of the display area of the freestanding sign on the main frontage. Instead of having one (1) sign on each street frontage, the applicant may opt to have one (1) freestanding diagonal sign facing both street frontages, in which the size may be computed using the longest street frontage.

d. <u>Freestanding signs for multi-tenant structures and joint identification</u> Each multi-tenant structure or a group of structures may have one (1) incidental or freestanding identification sign for each street frontage, with a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. The sign shall be a directory sign and serve for

the purposes of the joint business identification of tenants within the structure or group of structures. Any business or structure identified on the joint identification directory sign shall be allowed no other freestanding signs.

e. For structures or a group of structures with a street frontage of less than one hundred (100) feet, the sign display surface shall not exceed eighty (80) square feet.

f. For structures or a group of structures with a street frontage of more than one hundred (100) feet and less than three hundred (300) feet, the sign display surface shall not exceed eighty (80) square feet except that the display surface may be increased two (2) square feet for each foot of street frontage beyond one hundred (100) feet to a maximum display area of one hundred twenty (120) square feet.

g. For structures or a group of structures with a street frontage of more than three hundred (300) feet, the sign display surface shall not exceed one hundred twenty (120) square feet except that the display surface may be increased one (1) square foot for each foot of street frontage beyond three hundred (300) feet to a maximum of two hundred (200) square feet.

h. Commercial cul-de-sac A commercial subdivision forming a cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac, not exceeding thirty (30) feet in height and located in such a manner that it does not restrict the view of traffic entering or existing the subdivision.

i. One (1) identification wall sign is permitted per principal business use; the size of this sign shall not exceed one (1) square foot for each one (1) linear foot of building façade fronting a public street. Such sign shall be mounted on the principal structure/building. Maximum display area shall not exceed one hundred twenty (120) square feet.

j. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum of seven (7) feet above the surface of the sidewalk. Sign not to exceed eight (8) square feet.

3. Signs in the C-3 Districts may be permitted subject to the following regulations:

a. All those signs that are permitted in the residential "R" districts are allowed in Commercial C-3 districts.

b. One (1) identification wall sign is permitted per principal business use; the size of this sign shall not exceed one (1) square foot for each one (1) linear foot of building façade fronting a public street. Such sign shall be mounted on the principal structure/building. Maximum display area shall not exceed one hundred twenty (120) square feet.

c. Freestanding signs for multi-tenant structures and joint identification: Each multi-tenant structure or a group of structures may have one (1) incidental or freestanding identification sign for each street frontage,

with a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. The sign shall be a directory sign and serve for the purpose of the joint business identification of tenants within the structure or group of structures. The maximum height of the sign shall be twenty-five (25) feet. Any business or structure identified on the joint identification directory sign shall be allowed no other freestanding signs.

d. Freestanding signs for individual tenants in the C-3 District shall be ground-mounted and meet the provisions of Section E.3. For buildings with frontage on two streets, a second sign shall be permitted on the side designated by the applicant as the secondary frontage and its maximum size shall be seventy-five percent (75%) of that on the primary frontage.

4. Signs in the C-4 Districts may be permitted subject to the following regulations:

a. All those signs that are permitted in the residential "R" districts are allowed in Commercial C-4 Districts.

b. All signs allowed in the C-3 Districts are allowed in the C-4 Districts.

N. Signs permitted in industrial districts Signs in the industrial districts are permitted, subject to the following conditions:

1. Area The gross area in square feet of all signs on a zoning lot shall not exceed one-half the lineal feet of the frontage of such lot. Where more than four (4) signs are located on any lot, the fifth sign and each succeeding sign shall reduce the total allowable surface area by twenty percent (20%).
2. Location No sign shall be located closer than fifteen (15) feet from any property line.
3. Height No sign shall project higher than fifty (50) feet above the curb line.
4. Illumination All signs located in industrial districts shall be illuminated with non-flashing indirect lighting.

Industrial parks Signs located in industrial parks shall be subject to the following regulations:

1. Area The gross area in square feet of industrial park signs shall not exceed one-half the lineal feet of the frontage of such industrial park.
2. Signage Such signs shall advertise only the name and location of said industrial park and the name and type of each occupant of the park.
3. Setback Such signs shall be setback a minimum of fifteen (15) feet from all property lines or projected right-of-way, as shown on the Master Street Plan, whichever is greater.
4. Height No sign shall project higher than fifty (50) feet above the curb line.
5. Illumination Signs may be illuminated with indirect lighting, but no moving

or flashing lights will be permitted.

O. Signs permitted in the Planned Residential District Signs in the PRD shall be approved as part of the approval process for the development.

P. Signs permitted in the Central Business Redevelopment District (CBRD) Signs in the CBRD shall be reviewed and approved or denied by the Planning Commission on a case-by-case basis or through the approval process for the development site plan.

Q. Creative sign permit

1. Purpose This Section establishes standards and procedures for the review and approval of Creative Sign Permits. The purposes of the Creative Sign Permit are to:

   a. Encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
   b. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs.

2. Applicability An applicant may request approval of a Creative Sign Permit in order
to allow standards that differ from the provisions of this Chapter but comply with the purpose and findings of this Section.
3. Application requirements A Creative Sign Permit application shall include all information and materials required by the Department.
4. Approval authority An application for a Creative Sign Permit shall be subject to review and approval by the Planning Commission
5. Findings In approving an application for a Creative Sign Permit, the Planning Commission shall ensure that the proposed sign meets the following design criteria.

   a. Design quality The sign shall:

      i. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
      ii. Be of unique design, and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
      iii. Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.

   b. Impacts on surrounding uses The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially

residential uses.

R. Violations The following regulations govern violations of this section:

1. When in the judgment of the Planning and Zoning Official or authorized representative, a violation of this article exists, the Enforcement Officer shall issue a written notice to the alleged violator. The notice shall specify those sections of this article of which the person may be in violation and shall state that the person has thirty (30) days from the date of the order in which to abate the alleged violation or to appeal to the Planning and Zoning Commission. If the violator fails to appeal or to correct the violation within the time allowed by this section, the sign shall be deemed illegal and removed by the sign owner.
2. If, upon inspection, the Planning and Zoning Official or authorized representative finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained, such sign or signs shall be deemed illegal and the Enforcement Officer shall issue a written notice to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this article or removed within thirty (30) days of the date of the notice.
3. The city reserves the right to remove the sign for failure to cure the violation within the set period of time. The owner will be responsible for any costs incurred by the city in removing a sign for non-compliance or failure to cure a violation. (Ord. No. 0-2015-1, Sec. 2.)

MOBILE FOOD VENDOR COURTS Art 5-13

Generally Mobile Food Vendor Courts may be permitted by the Planning Commission subject to the following standards. The burden of proving compliance with these standards shall be on the applicant.

A. Mobile Food Vendor Courts shall only be located in the Central Business Redevelopment District (CBRD), C-1, C-2 and C-3 Districts.

B. Health and Sanitation - Each individual Mobile Food Vendor Court shall comply with all applicable State and local requirements and regulations.

C. Zoning and Code compliance - Each individual Mobile Food Vendor Court shall comply with all applicable city zoning, subdivision and other regulations.

D. Restroom(s) may be provided within the boundaries of the Mobile Food Vendor Court.

E. Electrical Requirements - Each site is required to provide electrical access for each individual Mobile Food Vendor Unit that operates at the site. Each Mobile Food Vendor Unit is not allowed to operate a generator at the site unless emergency

circumstances necessitate the need for a generator.

F. Screening Requirements - Where property zoned C-1, C-2 and C-3 abuts a residential district, a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property in a manner that it provides a continual visual buffer between the two districts a minimum of 6 feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway.

G. Site Plan Required: A site plan shall be submitted for review prior to a building permit being issued and shall include the following, if applicable:

1. The land area included within the site;

2. A legal description of the platted lots of the proposed site and the boundaries thereof;

3. The location of each proposed structure on the site including Mobile Food Vendor Units, restrooms and outdoor entertainment locations;

4. Setbacks, height and separation distance between structures (15' minimum is required);

5. The location of fire hydrants. Fire hydrants shall be located so that every structure is within 500 feet;

6. The dimensions and capacities of parking areas and loading areas;

   i. The number of parking spaces for Mobile Food Vendor Courts shall be 2 spaces per mobile vending unit. The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9' x 20' plus adequate area for ingress and egress. All parking spaces and loading areas shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use. (Per Land Use Ordinance B-425, in C-2 and C-3 districts, in no case will parking be permitted in a manner so as to result in an automobile backing into any street or otherwise interfering with moving traffic.)

7. All Landscaping and lighting;

8. All pedestrian walks, patios, and open areas for use by tenants or the public;

9. The location, size, height and orientation of all signs. Sign installations shall comply with Ordinance B-425, Article 5-12. One temporary sandwich board sign is permitted per Mobile Food Vendor Unit to be displayed within 10 feet of the unit and within the boundaries of the Mobile Food Vendor Court;

10. Location and screening of refuse containers and outside storage;

11. Location and number of provided seating and eating areas; (Ord. No. 0-15-02, Sec. 2.)

Exemptions Mobile Food Vendors Shall be exempt from:

A. Regulations regarding the placement of Factory Built Structures, Ordinance No. 0-97-22, amending Ordinance No. B-425.

B. Regulations pertaining to Transient Merchants, Ordinance No. 0-11-10 Section 1.g) Prohibited Area. (Ord. No. 0-15-02, Sec. 3.)

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS Art 5-13

Zoning Administrator The City Engineer shall also be known as the Zoning Administrator and perform the duties of each position. (Ord. No. 0-2001-2, Sec. 1.)

Fee The fee for reviewing an application to build a wireless telecommunication tower or antenna shall be the sum of Two Hundred Fifty Dollars ($250.00) for each application for administratively approved uses in Section 6(a)(2) and for special use permits in Section 7(a)(5). In addition, if the city is required to employ experts to review said applications the cost of such expert assistance and review shall be borne by the applicant and payment for such costs and fee may be required in advance. (Ord. No. 0-2001-2, Sec. 2.)

Purpose The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to:

A. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

B. Encourage the location of towers in non-residential areas;

C. Minimize the total number of towers throughout the community;

D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

H. Consider the public health and safety of communication towers; and

I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the city of Arkadelphia shall give due consideration to the city of Arkadelphia master plan, zoning map, existing land uses, and due consideration to the city of Arkadelphia master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas. (Ord. No. 0-2001-1, Sec. 1.)

Definitions As used in this ordinance, the following terms shall have the meanings set forth below:

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signal or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Pre-existing towers and pre-existing antennas means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (Ord. No. 0-2001-1, Sec. 2.)

Applicability

A. New towers and antennas All new towers or antennas in the city of Arkadelphia shall be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive.

B. Amateur radio station operators/receive only antennas This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

C. Pre-existing towers or antenna Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 4(f) and 4(g).

D. AM array For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right. (Ord. No. 0-2001-1, Sec. 3.)

General requirements

A. Principal or accessory Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

B. Lot size For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirement, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

C. Inventory of existing sites Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city of Arkadelphia or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the city of Arkadelphia, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

E. Lighting Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

F. State or federal requirements All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G. Building codes; safety standards To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city of Arkadelphia concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

H. Measurement For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city of Arkadelphia irrespective of municipal and county jurisdictional boundaries.

I. Not essential services Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

J. Franchises Owners and/or operator of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city of Arkadelphia have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

K. Public notice For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section7(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

L. Signs No signs shall be allowed on an antenna or tower.

M. Buildings and support equipment Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.

N. Multiple antenna/tower plan The city of Arkadelphia encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process. (Ord. No. 0-2001-1, Sec. 4.)

Permitted uses

A. General The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

B. Permitted uses The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the city of Arkadelphia provided a license or lease authorizing such antenna or tower has been approved by the city of Arkadelphia. (Ord. No. 2001-1, Sec. 5.)

Administratively approved uses

A. General The following provisions shall govern the issuance of administrative Approvals for towers and antennas.

1. The Zoning Administrator may administratively approve the uses listed in this section.

2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Sections 7(b)(l) and 7(b)(3) of this ordinance and a non-refundable fee as established by ordinance of the City Board of Directors of the city of Arkadelphia to reimburse the city of Arkadelphia for the costs of reviewing the application.

3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(b)(4) and 7(b)(5) of this ordinance.

4. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

5. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 7(b)(4) or separation distances between towers in Section 7(b)(5) by up to fifty percent (50%).

6. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 7 prior to filing any appeal that may be available under the Zoning Ordinance.

B. List of administratively approved uses The following uses may be approved by the Zoning Administrator after conducting an administrative review:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.

2. Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

a. Antennas on existing structures Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

(1) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable building codes.

b. Antennas on existing towers An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(2) Height

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (3)(a) may only occur one time per communication tower.

(c) The additional height referred to in subsection (3)(a) shall not require an additional distance separation as set forth in Section 7. The tower's pre-modification height shall be used to calculate such distance separations.

(3) Onsite location

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 7(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 7(b)(5).

(d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 7(b)(5) shall only be permitted when approved by the Zoning Administrator.

3. New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Section 1 and the requirements of Section 4; the tower meets the setback requirements in Section 7(b)(4) and separation distances in Section 7(b)(5); and the tower meets the following height and usage criteria:

   a. For a single user, up to ninety (90) feet in height;

   b. For two users, up to one hundred twenty (120) feet in height; and

   c. For three or more users, up to one hundred fifty (150) feet in height.

4. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the Zoning Administrator is in conformity with the goals set forth in Section 1 of this ordinance.

5. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. (Ord. No. 0-2001-1, Sec. 6.)

Special use permits

A. General The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

1. If the tower or antenna is not a permitted use under Applicability of this ordinance or permitted to be approved administratively pursuant to General requirements of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

2. Applications for special use permits under this Section shall be subject to the procedures and requirements of Chapter 5 of the Zoning Ordinance (B-425), except as modified in this section.

3. In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

5. An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the city of Arkadelphia Board of Directors to reimburse the city of Arkadelphia for the costs of reviewing the application.

B. Towers

1. Information required. In addition to any information required for applications for permits pursuant to Article 5 of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Permitted Uses, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to 14.16.04(C) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with Sections 4 C,D,E,F,G,J,L, and M, 7(b)(4), 7(b)(5) and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city of Arkadelphia.

j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

k. A description of the feasible location(s) of future towers or antennas within the city of Arkadelphia based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

2. Factors considered in granting special use permits for towers. In addition to any standards for consideration of special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

3. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

4. <u>Setbacks</u> The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of

this ordinance would be better served thereby:

a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

5. Separation The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

a. Separation from off-site uses/designated areas.

(1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(2) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1

Off-site use/designated area	Separation distance
Single-family or duplex residential units[1]	200 ft. or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or his preliminary subdivision plan approval which is not expired	200 ft. or 300% height of tower[2] whichever is greater
Vacant unplatted residentially zoned land[3]	100 ft. or 100%

	height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 ft. or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

[1] Includes modular homes and mobile homes used for lining purposes.

[2] Separation measured from base of tower to closest building setback line.

[3] Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

b. Separation distances between towers.

(1) Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

TABLE 2

Existing towers – types

	Lattice	Guyed	Monopole 75 ft. in height or greater	Monopole less than 75 ft. in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft in height or greater	1,500	1,500	1,500	750
Monopole less than 75 ft. in height	750	750	750	750

6. Security fencing Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

7. Landscaping The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

   a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

   b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

   c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. (Ord. No. 0-2001-1, Sec. 7.)

Buildings or other equipment storage

A. Antennas mounted on structures or rooftops The equipment cabinet or structure used in association with antennas shall comply with the following:

1. The cabinet or structure shall not contain more than 64 square feet of gross floor area or be more than eight (8) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over sixty-four (64) square feet of gross floor area or eight (8) feet in height, shall be located on the ground and

shall not be located on the roof of the structure.

2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent of the roof area.

3. Equipment storage buildings or cabinets shall comply with all applicable Building Codes.

B. Antennas mounted on utility poles or light poles The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

1. In residential districts, the equipment cabinet or structure may be located:

a. In a front or side yard provided the cabinet or structure is not greater than four feet in height of sixty-four (64) square feet of gross floor area and the cabinet/structure is located a minimum of twenty-five (25) feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and a planted height of at least thirty-six (36) inches.

b. In a rear yard, provided the cabinet or structure is no greater than twelve (12) feet in height or two hundred (200) square feet in gross floor area, the cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than twelve (12) feet in height or two hundred forty (240) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

C. Antennas located on towers The related unmanned equipment structure shall not contain more than sixty-four (64) square feet of gross floor area or be more than twelve (12) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

D. Modification of building size requirements The requirements of Building or other equipment storage may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses

permitted by special use to encourage collocation. (Ord. No. 0-2001-1, Sec. 8.)

14.16.11 Removal of abandoned antennas and towers Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the city of Arkadelphia notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (Ord. No. 0-2001-1, Sec. 9.)

14.16.12 Non-conforming uses

A Not expansion of non-conforming use Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

B. Pre-existing towers Pre-existing towers shall be allowed to continue their usage as the presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.

C. Rebuilding damaged or destroyed non-conforming towers or antennas Notwithstanding Removal of abandoned antennas and towers, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Special use permits. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable Building Codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Removal of abandoned antennas and towers. (Ord. No. 2001-1, Sec. 10.)

14.04.06 Non-conforming buildings, structures and uses of land

NON-CONFORMING BUILDINGS AND STRUCTURES A non-conforming building or structure existing at the time of adoption of this ordinance may be continued, maintained and repaired, except as otherwise provided in this section.

A. Alteration of enlargement of buildings and structures A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located, provided, however, that if a building or structure is conforming as to use, but non-conforming as to yards or height, or

off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

B. Outdoor advertising signs and structures Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this ordinance becomes effective, which does not conform to the provisions hereof, shall not be structurally altered. (Ord. No. 0-2011-2, Sec. 16.)

C. Building vacancy A building or structure or portion thereof, which is non-conforming as to use, which is to hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. The presence of remaining equipment does not constitute occupancy.

D. Change in use A non-conforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or changed except to a conforming use. If such a non-conforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this ordinance. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restrictive district's classification, but where the use of non-conforming buildings or structures is changed to a use of more restrictive district's classification, it thereafter shall not be changed to a use of a less restricted district's classifications. (Ord. No. B-425, Art. 6-1.)

E. A single family detached dwelling legally existing within a district at the time commercial zoning is adopted or the district is rezoned to commercial use may continue and maintain the single family residential use, may expand the use through remodelings or additions to the residence or through building or adding onto accessory buildings, and may replace the single family detached dwellings if unintentionally destroyed, or accessory buildings if removed or destroyed. All such changes shall meet the same accessory use permitted, height regulations, area regulations, and lot coverage as are required in the R-2 District. (Ord. No. 92-6, Sec. 7.)

NON-CONFORMING USES OF LAND A non-conforming use of land where the aggregate value of all permanent buildings or structures is less than One Thousand Dollars

($1,000.00) existing at the time of the adoption of this ordinance, may be continued for a period of not more than three (3) years therefrom, provided that:

1. Said non-conforming use may not be extended or expanded, nor shall it occupy more are than was in use on the effective date of this ordinance.

2. If said non-conforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located. (Ord. No. B-425, Art. 6-2.)

USES PERMITTED ON REVIEW Several uses not normally permitted in a given zone may be permitted upon review and approval of the Planning Commission. Such uses have been specified in each zone. The petitioners must submit plot plans showing the proposed layout of such use, its effect on adjacent property, and the nature of activity contemplated. He shall also provide a petition signed by each property owner within two hundred (200) feet of his property approving such use. The Commission must approve the use by a majority vote with a quorum present. (Ord. No. B-425, Art 6-3.)

14.04.07 Board of Zoning Adjustment

ORGANIZATION OF ZONING ADJUSTMENT The Arkadelphia Planning Commission, as a whole, shall sit as the Board of Zoning Adjustment. Terms of members of the Board of Zoning Adjustment shall be the same terms as established by the City Board for the Planning Commission members and vacancies shall be filled as established by the city Board of Directors for the Planning Commission. The Chairman and Secretary of the Board of Zoning Adjustment shall be the same individuals as the Chairman and Secretary of the Planning Commission. (Ord. No. B-479. Sec. 1.)

MEETINGS

A. Meetings of the Board shall be held at such time and at such place within the city of Arkadelphia as the Board may designate, and may meet at any time on call of the chairman.

B. The Board shall keep minutes of its proceedings which shall contain as a minimum:

1. Time, date, and place of meeting
2. Names of members present
3. Citation, by number, and description of appeal or application
4. Pertinent facts of the case
5. Names of person appearing and their interest in the case
6. Record of vote by name
7. Authority for decision (cite ordinance or statute) and reason for conditions imposed: The minutes of the meeting shall be filed by the secretary of the Board in the offices of the City Clerk and shall be public record.

C. Any member of the Board who fails to be in attendance at two (2) consecutive scheduled meetings shall have his appointment declared vacated, and a new member shall be selected as provided in Art. 7-1. (Ord. No. B-425, Art. 7-2.)

APPEALS FROM DECISION OF ENFORCEMENT OFFICER The Board shall hear appeals from an administrative decision of the Enforcement Officer, who shall be designated by the city Board of Directors, concerning interpretation of the zoning ordinance and shall decide whether such interpretation was in error or not. (Ord. No B-425, Art. 7-3.)

VARIANCE

A. The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provision of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.

B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.

C. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.

D. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property. (Ord. No. B-425, Art. 7-4.)

OTHER FUNCTIONS OF THE BOARD The Board may hear applications and take such action as permitted on matters specifically referred to it under this ordinance. (Ord. No. B-425, Art. 7-5.)

APPEAL FROM DECISION OF THE BOARD Appeal from the decision of the Board shall be to a court of record within thirty (30) days from the decision of the Board. (Ord. No. B-425, Art. 7-6.)

NOTICES AND FEES

A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant, a notice of the time and place of the public hearing. Upon such appeal or application, the notice shall be published not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Arkadelphia. The notice shall designate the particular location with which the appeal or application is concerned, and shall include a brief statement explaining the factors to which the appeal or application consist. The Board shall also give or cause to be given, any additional notice of the hearing mentioned above, to those interested persons and organizations that it deems feasible and practicable.

B. The appellant or applicant shall be required to pay to the City Clerk a filing fee of

Five Dollars ($5.00) to cover such other costs as may be incurred in connection with such appeal or application. (Ord. No. B-425, Art 7-7.)

14.04.08 Amendments

AMENDMENT TO TEXT The city Board of Directors may suggest that the Planning Commission amend the text of this ordinance or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission after study request a change in the text, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the city Board for adoption. (Ord. No. B-425, Art. 8-1.)

CHANGE IN CLASSIFICATIONS

A. A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.

B. Upon receipt of the petition for an amendment, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing.
2. Following the public hearing, the proposed amendment may be approved as presented or in modified form, by a majority vote of the Planning Commission and recommended for adoption by the city Board, with reasons for such recommendation stated in writing.
3. If the Planning Commission disapproves a proposed amendment, the reason for such disapproval shall be given in writing to the petitioner within thirty (30) days from the date of the hearing.
4. The City Board, by majority vote, may by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. If the City Board does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Board may, by majority vote, amend this ordinance by granting the request for amendment in full or in modified form.
5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Board, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's finding and decision are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days

of the date he receives reasons for disapproval from the Planning commission.

C. No application for a zoning amendment will be considered by the Planning Commission within twelve (12) months from date of final disapproval of a proposed amendment unless the Commission finds that a substantial reason exists for waiving this limitation. (Ord. No. B-425, Art. 8-2.)

D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum of One Hundred Dollars ($100.00) to cover the approximate cost of this procedure, with the exception of postage, which cost shall be borne by the petitioner. Under no condition shall said sum or any part thereof, be refunded for failure of said change to be adopted by the City Board. In addition, the petitioner will be required to notify by certified U.S mail with return receipt restricted delivery, all property owners within two hundred (200) feet of his/her property of his/her intentions to rezone, and the return receipts for the letters shall be entered in the minutes of the public hearing. (Ord. No.0-97-14, Sec. 1.)

E. If the City Board of Directors wants to consider the rezoning of any property on its own motion, the City Clerk shall first give notice by a one-time publication in a newspaper of general circulation in the city of the time and place and date of the hearing fifteen (15) days prior to the meeting. There shall be published with the legal notice a legible rezoning map accompanied by an entitlement describing the general area under consideration and giving street boundaries or otherwise describing the boundaries so as to be readily identifiable. The map shall be accompanied by a legal description delineating the property to be rezoned. (Ord. No. 0-97-12, Sec. 1.)

14.04.09 Enforcement officer, building permit

ENFORCEMENT OFFICER The provisions of this part of the ordinance shall be administered by an enforcement officer designated by the city of Arkadelphia.

BUILDING PERMIT A building permit will be issued only when the application has been approved by the enforcement officer as meeting requirements of this part of the ordinance. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of such application and plats shall be kept by the enforcement officer, and is subject to review by the Planning Commission. (Ord. No. B-425, Chapter IX.)

CHAPTER 14.08

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

14.08.01 Statutory authority
14.08.02 Findings of fact
14.08.03 Statement of purpose
14.08.04 Lands to which this ordinance applies
14.08.05 Methods of reducing flood losses
14.08.06 Flood Damage Prevention Code adopted by reference
14.08.07 Abrogation and greater restrictions
14.08.08 Interpretation
14.08.09 Warning and disclaimer of liability
14.08.10 Compliance
14.08.11 Penalty for non-compliance

14.08.01 Statutory authority The Legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Board of Directors of Arkadelphia, Arkansas, does hereby ordain as follows. (Ord. No. 0-2012-1, Sec. 1.)

14.08.02 Finding of fact

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Arkadelphia, Arkansas, in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Clark County, Arkansas, and Incorporated Areas," dated February 2, 2012, with an effective Flood Insurance Rate Map (FIRM) dated February 2, 2012.

1. The City of Arkadelphia, Arkansas is hereby incorporating the proposed increased base flood elevations and revised floodway delineations reflecting the (AHTD Job 070240) post-project condition per Conditional Letter of Map Revision (CLOMR) of FIRM Map Number 05019C0331E, FEMA Case Number: 14-06-1818R. (Ord. No. 0-2014-09, Sec. 1.)

B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

C. These periodic flooding events are exacerbated by the cumulative effect of

floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 0-2012-1, Sec. 2.)

14.08.03 Statement of purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

A. Protect human life and health;

B. Protect natural floodplains against unwise development;

C. Eliminate adverse impacts of necessary floodplain development;

D. Minimize expenditure of public monies on flood control projects;

E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

F. Minimize prolonged business interruptions due to flooding events;

G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;

H. Minimize future flood blight areas to help maintain a stable tax base; and

I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 0-2012-1, Sec. 3.)

14.08.04 Lands to which this ordinance applies The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the city of Arkadelphia, Arkansas. (Ord. No.0-2012-1, Sec. 4.)

14.08.05 Methods of reducing flood losses This ordinance uses the following methods to accomplish the stated purpose:

A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;

B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

C. This ordinance controls the alteration of natural floodplains, stream channels and

natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 0-2012-1, Sec. 5.)

14.08.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for city of Arkadelphia, Arkansas, dated February 2, 2012. The code shall include:

ARTICLE 1 DEFINITIONS
ARTICLE 2 ADMINISTRATION
ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 0-2012-1, Sec. 6.)

14.08.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 0-2012-1, Sec. 7.)

14.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

A. Be considered as minimum requirements;

B. Be liberally construed in favor of the governing body; and

C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No.0- 2012-1, Sec. 8.)

14.08.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects

uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 0-2012-1, Sec. 9.)

14.08.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 0-2012-1, Sec. 10.)

14.08.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:

1. Issue cease and desist orders on non-compliant floodplain development projects;

2. Issue citations for non-compliance;

3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and

4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

B.

1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.

2. Any person found in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars ($500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 0-2012-1, Sec. 11.)

CHAPTER 14.12

AIRPORT ZONING

Sections:

14.12.01 Short title
14.12.02 Definitions
14.12.03 Airport zoning map
14.12.04 Zones
14.12.05 Height limits
14.12.06 Use restrictions
14.12.07 Nonconforming uses
14.12.08 Variances
14.12.09 Permits
14.12.10 Hazard marking and lighting
14.12.11 Administrative agency
14.12.12 Judicial review
14.12.13 Penalties
14.12.14 Airport Advisory Committee
14.16.15 Election of members
14.12.16 Terms
14.12.17 Compensation
14.12.18 Nature of Committee
14.12.19 Officers
14.12.20 Meetings

14.12.01 Short title This ordinance shall be known and may be cited as the "Airport Zoning Ordinance of the Arkadelphia Municipal Airport." (Ord. No. 164, Sec. 1.)

14.12.02 Definitions As used in this ordinance unless the context otherwise requires:

Airport means the Arkadelphia Municipal Airport, Arkadelphia, Arkansas.

Airport hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Landing area means the areas of the airport used for the landing, taking off or taxiing of aircraft.

Nonconforming use means any structure, tree or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto as of the effective date of such regulations.

Person means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree means any object of natural growth. (Ord. No. 164, Sec. 2.)

14.12.03 Airport zoning map In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the Airport Zoning Map, dated October 8, 1958, of the Arkadelphia Municipal Airport, Arkadelphia, Arkansas, attached herein is hereby incorporated into this ordinance and made a part thereof:

A. The Established Elevation of the Airport is one hundred eighty-one (181) feet MSL.

B. The Airport Reference Point is established at a point described as follows:

Being at the NE comer of the SW 1/4 of Section 29, R. 7 S., R 19 W., thence east three hundred forty-eight point one (348.1) feet to the runway center line, thence north forty-two (42) degree twenty-nine (29) minutes east a distance of one thousand two hundred fifty (1,250) feet to a point on the runway canter line. (Ord. No. 164, Sec. 3.)

14.12.04 Zones In order to carry out the purpose of this ordinance, airport approach surface zones, horizontal surface zones, conical surface zones and transitional surface zones are hereby established as hereinafter defined and as shown on the attached Airport Zoning Map.

A. Approach Surface Zones The approach surface zone is an inclined plane located directly above the approach area. The dimensions of the approach area are measured horizontally. The approach areas for each particular runway are symmetrically located with respect to the extended runway centerline and have lengths and widths as shown on the attached Airport Zoning Map which also shows the slopes of the respective surface approach zones.

B. Horizontal Surface Zones The horizontal surface zone is a plane, circular in shape, with its height one hundred fifty (150) feet above the established airport elevation and having a radius from the airport reference point as indicated on the attached Airport Zoning Map.

C. Conical Surface Zone The conical surface zone extends upward and outward from the periphery of the horizontal surface zone with a slope of twenty point one (20.1) measured in a vertical plane passing through the airport reference point. Measuring radially outward from the periphery of the horizontal surface zone, the conical surface zone extends for a horizontal distance as shown on the attached Airport Zoning Map.

D. Transitional Surface Zones The transitional surface zones are inclined places with a slope of seven point one (7.1) measured upward and outward in a vertical plane at right angles to the center line of the runway. The transitional surface zones, symmetrically located on each side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance from the runway center

line equal to one-half (½) of the minimum width of each approach area as shown on the attached Airport Zoning Map. (Ord. No. 164, Sec. 4.)

14.12.05 Height limits

A. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow or maintained in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone to a height in excess of the height limit herein established for such zone. For purposes of this regulation, height limits shown on the attached Airport Zoning Map are hereby established for each of the zones in question.

B. Such portions of the Transitional Zones adjoining the landing strips and within the boundary of the airport property are further restricted to prohibit any fixed structure above the ground surface within three hundred twenty (320) feet of the runway centerline. In cases where there is overlapping of zones within any other zone, the lower height limitation fixed for either of such zones shall apply; provided, however, that the height of other limitation and restriction herein imposed shall not apply to such structures as may be needful, appropriate or customarily employed for aeronautical purposes.

C. Notwithstanding any other provisions of this ordinance to the contrary, the height limits prescribed by this ordinance shall not establish for any particular parcel of land at any particular point within such parcel the height limit of less than twenty-five (25) feet above the surface elevation of the land at that point. (Ord. No. 164, Sec. 5.)

14.12.06 Use restrictions Notwithstanding any other provisions of this ordinance, no use may be made of land within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone in any manner as to create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft. (Ord. No. 164, Sec. 6.)

14.12.07 Nonconforming uses The regulations prescribed in Section 14.12.05 and 14.12.06 of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted and completed within two (2) years thereof. (Ord. No. 164, Sec. 7.)

14.12.08 Variances Any person desiring to erect any structure or increase the height of any structure or permit the growth of any tree or use his property not in accordance with the regulations prescribed in this ordinance may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of these regulations would result in practical difficulty or

unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance. (Ord. No. 164, Sec. 8.)

14.12.09 Permits No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted. (Ord. No. 164, Sec. 9.)

14.12.10 Hazard marking and lighting Any permit or variance created under 14.12.08 or 14.12.09 may, if such action is deemed advisable to effectuate the purposes of this ordinance and reasonable to the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city of Arkadelphia, Arkansas, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. (Ord. No. 164, Sec. 10.)

14.12.11 Administrative agency The Airport Commission is hereby designated the administrative agency or administrative officer charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the administrative agency or officer shall include that of hearing and deciding all permits under Section 14.16.09. (Ord. No. 164, Sec. 11.)

14.12.12 Judicial review Any person aggrieved or taxpayer affected by any provision of the Administrative Agency may appeal to the Circuit Court as provided in Section 6 of the Airport Zoning Enabling Act, Act 116, Acts of Arkansas, 1941. (Ord. No. 164, Sec. 12.)

14.12.13 Penalties Each violation of this ordinance or any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than One Hundred Dollars ($100.00) or imprisonment for not more than thirty (30) days or both such fine and imprisonment and each day a violation continues shall be a separate offense. (Ord. No. 164, Sec. 13.)

14.12.14 Airport Advisory Committee There is hereby created a Committee to be known as the Arkadelphia Airport Advisory Committee to be composed of six (6) members who shall be residents and qualified electors of the city of Arkadelphia. (Ord. No. 98-11, Sec. 1.)

14.12.15 Election of members Five (5) of the committee members shall be nominated by the City Manager and confirmed by a vote of the duly elected and qualified members of the City Board of Directors. One of said committee members shall be nominated by the president of Henderson State University and confirmed by a vote of the duly elected and qualified members of the City Board of Directors. (Ord. No. 98-11, Sec. 2.)

14.12.16 Terms The committee member nominated by the president of Henderson State University shall serve an indeterminate term subject to the will of the Board of Directors and the present of HSU. The remaining committee members shall serve staggered five-year terms. A committee member may succeed himself/herself. Present Commission members shall continue to

serve their terms on the Advisory Committee. (Ord. No. 98-11, Sec. 3.)

14.12.17 Compensation Committee members shall receive no compensation for their services but shall be entitle to reimbursement for expenses reasonably incurred by them in the performance of their duties as members of said committee. (Ord. No. 98-11, Sec. 4.)

14.12.18 Nature of Committee The Airport Committee shall be advisory in nature and shall make recommendations to the City Manager and the City Board of Directors concerning operation of the airport. (Ord. No. 98-11, Sec. 5.)

14.12.19 Officials The Committee shall elect from its members a chairman and vice-chairman and shall determine their tenure as such officials. If may also appoint a secretary who may be but is not required to be a member of the Committee. (Ord. No. 98-11, Sec. 6.)

14.12.20 Meetings The said Committee shall hold regular meetings. In addition, the chairman of the Committee may call special meetings. The chairman shall also set the agenda for the Advisory Committee. (Ord. No. 98-11, Sec. 7.)

CHAPTER 14.16

ANNEXING AND VACATING OF SPECIFIC AREAS BY REFERENCE

Sections:

14.16.01 Annexing of property
14.16.02 Vacating of property

14.16.01 Annexing of property

Ord. No. 0-91-4	Part of NE ¼ SE ¼, Sec. 17, Twp 7 S, Range 19 West
Ord. No. 0-92-7	part of E ½ , SW ¼, Sec. 7 Twp 7 S, Range 19 West
Ord. No. 0-92-11	Part of SE ¼ of Sec. 23, Twp 7 S, Range 20 West
Ord. No. 0-95-1	Part of SE ¼ of SW ¼ of Sec. 19 Twp 7 S, Range 19 West
Ord. No. 0-99-12	Sec. 14, Twp 7 S, Range 20 West
Ord. No. 0-2001-8	Part of NW ¼ of Sec. 24, Twp 7 S, Range 20 West
Ord. No. 0-2004-7	114 Stephenwood Drove
Ord. No. 0-2006-8	SW Corner of Sec. 7, Twp 7 S, Range 19 West
Ord. No. 0-2007-6	Part of SE ¼ of Sec. 23, Twp 7 S, Range 20 West
Ord. No. 0-2008-7	SE ¼ of Sec. 23, Twp 7 S, Range 20 West
Ord. No. 0-2008-8	NE ¼ of Sec. 23, Twp 7 S, Range 20 West
Ord. No. 0-2009-11	Part of SE ¼ of Sec. 7, Twp 7 S, Range 19 West

Part of E ½ in Sec. 7, Twp 7 S, Range 19 West
E ½ of Sec. 6, Twp 7 S, Range 19 West

14.16.02 Vacating of property

Ord. No. 0-94-4	Part of alley west of Lots 6 & 7 in Block, Richey Addition
Ord. No. 0-94-5	3/8" rebar at NE corner of Lot 11 of Hardy & Barkmam
Ord. No. 0-95-2	From west R/W line of 7th St. to east R/W line of 8th right-of-way
Ord. No. 0-98-9	Between Blocks B & D of Sec. 16 Addition
Ord. No. 0-98-12	West 100 feet of alley, Block 64, Browning's survey
Ord. No. 0-98-16	Alley between Lots 5 through 9, Browning's Addition
Ord. No. 0-2000-2	Crawford Street, Block 74.
Ord. No. 0-2000-5	Street north of Lots 7 & 8 in Hardy and Barkman Addition

CHAPTER 14.20

REZONING OF PROPERTY

Sections:

14.20.01 Rezoning of property by reference

14.20.01 Rezoning of property by reference

Ord. No. B-503	From R-2 to C-2	Part of Lot 23 in Trigg's Addition
Ord. No. B-505	From R-2 to C-2	Lots 1, 2, 7, 8 and 9 of Block 1 of Orchard Hill Add.
Ord. No. B-510	From R-1 to E-1	Part of Duncan's Addition, Blocks 3 and 4
Ord. No. B-511	From C-2 to R-3	NW Corner of NW ¼ SE ¼ , Sec. 20, Twp 7
Ord. No. B-512	From R-1 to R-3	Part of NE ¼ , SW ¼ in Sec. 8, Twp 7
Ord. No. 0-91-5	From R-2 to E-1	Lots 1, 2, 3 and 4 of Maddox Addition
Ord. No. 0-92-8	From C-2 to R-3	N ½ of S ½ of NW ¼ of Sec. 8, Twp 7
Ord. No. 0-93-5	From NU to R-1	Part of NE ¼ & NW ¼ of Sec. 18, Twp 7
Ord. No. 0-93-6	From NU to R-3	Part of NE ¼ & NW ¼ of Sec. 18, Twp 7
Ord. No. 0-94-3	From R-3 to C-4	West 35', Lot 4 & 5 of Block 12, Browning's Survey
Ord. No. 0-95-3	From R-3 to E-1	Part of Block 5 of Duncan's Addition
Ord. No. 0-95-7	From NE to R-3	Part of W ½ of Lot 13 of Hardy & Barkman's Add.
Ord. No. 0-95-9	From R-3 to C-2	NE Corner of NE ¼ of Sec. 7, Twp 7 S
Ord. No. 0-96-5	From R-1 to C-2	Part of Union Pacific lying S & E of Laurel St.
Ord. No. 0-96-7	From R-3 to C-2	1706 West Pine
Ord. No. 0-98-1	From C-2 to C-1	Part of E ½ of SE 1/4 , Sec. 7 Twp, 7 South
Ord. No. 0-98-4	To R-3	Browning Survey, Block 21, Lots 3, 4, 5, 6, 7, & 8
Ord. No. 0-98-5	To C-4	NW ¼ & NE ¼ of Sec. 24, Twp 7 S, Range 20 West

Ord. No. 0-98-14	From R-3 to C-4	NE 1/4 , Sec. 7 Twp 7 South, Range 19 West
Ord. No. 0-98-15	To C-4	Part of Lots 1 & 2, Block 6 of Peake's Survey
Ord. No. 0-98-18	From R-3 to C-2	E ½ of Lot 2, Block 6 of Peake's Survey
Ord. No. 0-99-3	From C-4 to C-1	Bobby Smith and Juanita Smith property
Ord. No. 0-99-10	From R-3 to C-4	Part of NW ¼ of SW ¼, Sec. 24, Byron & Don LaVoy
Ord. No. 0-99-11	From R-3 to C-2	Lots 5, 6, 7 & 8 in Block 64
Ord. No. 0-99-14	From NU to C-2	Part of SW ¼ of Sec. 8, Twp 7 S, Range 19 West
Ord. No. 0-2000-3	From R-3 to C-3	Part of SW ¼ of Sec. 5, Twp 7 S, Range 20 West
Ord. No. 0-2000-4	From R-3 to C-2	NW corner of Sec. 24, Twp 7 S, Range 20 West
Ord. No. 0-2000-7	From R-3 to C-2	Part of N of Sec. 24, Twp 7 S, Range 20 West
Ord. No. 0-2000-7	From R-3 to C-2	Part of NW ¼ , Sec. 24, Twp 7 S, Range 20 West
Ord. No. 0-2002-6	From R-2 to C-2	W ½ of Lot 2, 3 & 4, Block 2 of Twin Oaks Add.
		W ½ of Lot 4 & 5, Block 2 of Twin Oaks Add.
		W ¼ of Lot 5 & 6, block 2 of Twin Oaks Add.
Ord. No. 0-2003-4	From R-2 to C-2	Part of SW ¼ of Sec. 18, Twp 7 S, Range 19 West
Ord. No. 0-2006-1	To R-3	Part of NE ¼ of Sec. 24, Twp 7 S, Range 20 West
	To C-2	Part of NE ¼ of Sec. 24, Twp 7 S, Range 20 West
Ord. No. 0-2012-8	From C-2 to R-3	320 N. 10th St., 316th N. 10th St. & 312 N. 10th St.
Ord. No. 0-2011-7	From R-1 to C-2	NE Corner of Sec. 16, Twp 7 S, Range 19 West
Ord. No. 0-2012-9	From NU to C-4	E ½ of Sec. 13, Twp 7 S, Range 20 West
Ord. No. 0-2012-10	From R-3 to C-2	1750 Pine Street
Ord. No. 0-2012-14	From I-1 to R-3	Lots 5, 6, 7, 8 & 9, Block 2, Fairground Addition
Ord. No. 0-2013-1	To E-1	Part of SE ¼ of Sec. 17, Twp 7 S, Range 19 West
Ord. No. 0-2013-7	R-2 to C-2	Lot 8, Hart's Addition
Ord. No. 0-2014-6	R-1 to R-3	Part of Block 7 of Duncan's Addition

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Regulations
15.08 Re-platting of Lots

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

15.04.01 Definitions
15.04.02 Pre-application conference
15.04.03 Plat procedure
15.04.04 Acceptance of final plat by sections
15.04.05 Replatting
15.04.06 Floor plain zoning and easements
15.04.07 Provisions for parks and recreational areas
15.04.08 Minimum required improvements for subdivision entirely located within the city water and/or sewer limits
15.04.09 Design criteria for subdivision entirely located within the city water and/or sewer limits
15.04.010 Improvements and design criteria for subdivision entirely located beyond city water and sewer limits
15.04.011 Submission procedures and design criteria for mobile home parks
15.04.012 Responsibility for payment of installation costs
15.04.013 Construction standards
15.04.014 Authority of City Engineer
15.04.015 Construction of plans and specifications
15.04.016 Final inspection
15.04.017 As-built drawings
15.04.018 Formal acceptance by city
15.04.019 Special provisions
15.04.020 Industrial or commercial subdivisions

15.04.021 Availability of water and/or sewage utilities
15.04.022 Improvements outside corporate limits
15.04.023 Modification of design requirements, minimum improvements, and subdivision regulations
15.04.024 Penalty

15.04.01Definitions For the purpose of interpreting hits ordinance, certain words used here are defined as follows:

Alleys are a minor public right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Board of Directors or City Board of Directors shall be the duly elected governing body of the city.

Building lines shall be the line within a property which defines the minimum horizontal distance between the building and the adjacent property line.

Commission or Planning Commission shall be the official city Planning Commission of the city of Arkadelphia as appointed by the Mayor.

City Engineer, City Attorney, City Clerk, Director of Public Works shall be any office referred to in this ordinance by title and shall be the person so retained in this position by the city or his duly authorized representative.

Collector street shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

Cul-de-sac is a street having but one outlet to another street and terminated on the closed end by a vehicular turn-around.

Dead-end street is a street other than a cul-de-sac, with only one outlet.

Engineer shall be a person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the state of Arkansas.

Extraterritorial limits are areas recognized by Planning Commission as the planning area of the city.

Final plat shall be any plat of any lot, tract, or parcel of land requested to be recorded in the Deed Records of the county.

Local street shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is not necessarily continuous through several residential districts.

Lot is a distinct and separate undivided tract or parcel of land having frontage on a public street which is, or in the future, may be offered for sale, conveyance, transfer, or improvement as a building site.

Marginal access street is a street situated adjacent to a major street or highway that provides local traffic a route to travel that avoids the higher speed and traffic volume of the major street or highway.

Master Plan shall be the comprehensive plan of the city and adjoining areas as adopted by the Planning Commission and City Board, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements.

May is permissive.

Pavement width is that portion of a street available for vehicular traffic where curbs are laid. It is the distance from back of curb to back of curb.

Person is an individual, association, firm, corporation, governmental agency, or political subdivision.

Preliminary plat shall be any plat of any lot, tract, or parcel of land that is not to be recorded, but is only a proposed division of land and is presented only for review and study by the city.

Replatting shall be the re-subdivision of any part of a previously platted subdivision, addition, lot or tract.

Shall will be interpreted in its mandatory sense.

Street is a public right-of-way, however designated, which provides vehicular access to adjacent areas.

Street width shall be the shortest distance between the lines which delineate the rights-of- way of a street.

Subdivider or developer is any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land to be subdivided.

Subdivision shall mean the division of any lot, tract, or parcel of land situated within the corporate or extraterritorial limits of the city, into two or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots, streets, alley, or other portions intended for public use or the use

of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes re-subdivision or re-platting of the land, lots, or tracts.

Surveyor shall be a licensed State Land Surveyor or a Registered Public Surveyor as authorized by the state statutes to practice the profession of surveying in the state of Arkansas.

Thoroughfare streets shall be the principal traffic thoroughfares continuous across the city which are intended to connect remote parts of the city or adjacent thereto, and act as principal connecting streets with state and federal highways. Each thoroughfare street is designated on the Major Thoroughfare Plan for the city.

Utility easement is an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices. (Ord. No. B-425, Chapter I.)

15.04.02Pre-application conference Prior to the filing of a preliminary plat, the developer may meet with the City Engineer to familiarize himself with the city's development regulations and the relationship of the proposed subdivision to the comprehensive plan for the city. At such meeting, a sketch plan may be submitted showing the general character of the development, including items concerning zoning, utility service, street requirement, and other pertinent factors related to the proposed subdivision. At the pre-application conference, the developer may be represented by its engineer and surveyor. (Ord. No. B-425, Chapter II.)

15.04.03Plat procedure

A. Procedure for approval of preliminary plat

1. On reaching conclusions as recommended in Chapter II, the developer shall have prepared a preliminary plat of the proposed subdivision for submission to the Planning Commission.

2. Eight (8) copies of the preliminary plat as described in paragraph "B" shall be submitted to the Planning Commission office at least fifteen (15) days prior to the Commission meeting at which the plat is to be considered. The plat shall be transmitted by letter, which shall include a formal request for consideration by the Commission.

3. A fee of Five Dollars ($5.00) per plat, plus Fifty Cents ($.50) per lot shall be collected by the city when a preliminary plat is submitted to the city for approval. The plat will not be reviewed or considered in any respect until such fee has been collected.

B. Form and content of preliminary plat The plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet. It shall have to be accompanied by this information:

1. The name of the owner and developer.

2. The name and seal of the registered Land Surveyor responsible for the survey and contour information on the plat.

3. The title or name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.

4. North point, date, graphic scale.

5. The location, name and width of all existing and dedicated streets, alleys, and easements within or adjacent to the proposed subdivision or within a distance of two hundred (200) feet of the proposed subdivision. If there are no adjacent existing or dedicated streets and alleys within two hundred (200) feet of the proposed subdivision on any side, then a map on a small scale showing the outline and ownership of adjacent properties, locations of the nearest subdivision, and existing or dedicated streets and alleys must accompany the preliminary plat.

6. Physical features of the property to be subdivided, including location and size of all water course, ravines, bridges, culverts, existing structures, drainage area in acres draining into the subdivision, and other features pertinent to the subdivision. This information shall be shown on the contour map.

7. The location, size, type and approximate depth of all existing utilities shall be shown.

8. The preliminary plat shall be submitted on a contour map with all elevations referenced to mean sea level. The contours shall be shown at intervals of not more than five (5) feet for terrain with an average slope of five percent (5%) or more, and at an interval of two (2) feet for terrain with slope less than two percent (2%).

9. The plat shall show the actual boundary survey, however, the layout of the proposed subdivision lots, blocks and streets may be scaled dimensions. The acreage to be subdivided shall be shown.

10. The proposed plan for the subdivision shall be shown, including all proposed streets and their names, alleys, easements width of rights-of-way for streets and alleys and the proposed pavement width shall be shown.

11. The proposed plan for drainage shall be shown, also showing proposed street grades.

12. A designation of the proposed uses of land within the subdivision and any zoning amendments requested shall be shown.

13. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative Master Plat of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The Master Plat shall conform in all respects to the requirements of the preliminary plat except it may be on a scale of not more than one (1) inch to four hundred (400) feet.

14. The following notice shall be placed on the preliminary plat: "Preliminary plat for inspection purposes only. In no way official or approved for record purposes."

15. The following certificates shall be placed on the preliminary plat:

CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All requirements of the Arkadelphia Subdivision Rules and Regulations relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations.

This Certificate shall expire _____
Date

_____ (Signed)_____
Date of execution Name
Chairman
Arkadelphia Planning Commission

PRELIMINARY ENGINEERING CERTIFICATE

I,_____, hereby certify that this proposed preliminary plat correctly represents a survey completed by me, or under my supervision on_____, 20____; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

_____ (Signed)_____
Date of execution Name
Registered Professional Engineer
No._____, Arkansas

PRELIMINARY SURVEYORS CERTIFICATE

I,_____, hereby certify that this proposed preliminary plat correctly represents a survey completed by me, or under my supervision on_____, 20____; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

_____ (Signed)_____
Date of execution Name
Registered Land Surveyor
No._____, Arkansas

C. Processing of preliminary plat:

1. The City Engineer and Street Superintendent shall check the preliminary plat as to its conformity with the Master Plan, Thoroughfare Street Plan, Land Use Plan, zoning districts, and the standards and specifications set forth or referred to herein.

2. The City Engineer and the Street Superintendent shall transmit the preliminary plat data to the Commission with their suggestions as to modifications, additions, or alteration of such plat data. This shall be transmitted to the Commission in writing.

3. Within thirty (30) days after the preliminary plat is formally filed, the Commission shall approve or disapprove such plat, or conditionally approve it with modifications. The Commission shall inform the developer in writing of the action taken.

4. The Commission's approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer, and other required improvements and utilities, and to the preparation of the final plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

5. Approval of a preliminary plat shall be effective for a period of eighteen (18) months unless reviewed by the Commission in the light of new or significant information which would necessitate a revision of the preliminary plat. If the Commission should deem changes in a preliminary plat as necessary, it shall so inform the developer in writing.

6. If no development has occurred which would affect the proposed plat after eighteen (18) months of effective approval, the Commission may upon the formal application of the developer, extend the approval eighteen (18) additional months.

D. Form and content of final plat The scale shall be one (1) inch equals one hundred (100) feet. A reproducible original and four (4) prints shall be submitted to the Commission. The drawing shall be neat, legible, and suitable for filing for record in the office of the County Clerk. Patching and pasting of paper or other attachments is not acceptable. Allowance shall be made for a one (1) inch border at the top, bottom, and right edges of the sheets, and a one and one-half (1½) inch border at the left edge of the racing sheets.

When more than one sheet is used for a plat, a key map showing the entire subdivision of a smaller scale shall be shown on the first sheet.

The plat shall show or be accompanied by this information:

1. The name of the owner and developer.

2. The name of the registered land surveyor or engineer making the survey and preparing the plat.

3. The name of the proposed subdivision and adjacent subdivision.

4. The names of all streets.

5. The number of lots and blocks, in accordance with a systematic arrangement.

6. North point, date, scale and acreage being subdivided.

7. An accurate boundary survey of the property, with bearings and distances referenced to survey lines and established subdivision with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent land, streets, alleys, and easements in adjacent subdivisions shall be shown in dashed lines.

8. Location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.

9. All necessary dimensions, including linear, angular and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by true bearing in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and the chords and arcs of curves shall be shown. All curve information shall be shown for the centerline of the street based on arc definitions Dimensions shall be shown from all angle points, and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

10. All survey monuments shall be shown on the plat.

11. The following certificates shall appear on each final plat.

CERTIFICATE OF OWNER

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have laid off, platted and subdivided and do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

_____ (Signed) _____
Date of execution Name
Address

Source of Title: D.R._____
Page _____

CERTIFICATE OF RECORDING

This document, number_____filed for record on_____, 20_____, in Plat Book_____, Page_____.

(Signed) _____

_____
(Name) Clerk

For Bill of Assurance see Deed Record Book_____. Page _____

CERTIFICATE OF ENGINEERING ACCURACY

I,_____, do hereby certify that this plat correctly represents a survey and a plan made by me or under my supervision, that all monuments shown hereon actually exist and their location, size, type and material are correctly shown, and, that all requirements of the Arkadelphia Subdivision Rules and Regulations have been fully complied with.

_____ (Signed)_____
Date of execution Name
Registered Professional Engineer
No._____, Arkansas

The certificate of final plat approval shall be on both the final plat and the Bill of Assurance substantially as follows:

CERTIFICATE OF FINAL APPROVAL

Pursuant to the Arkadelphia Subdivision Rules and Regulations, and under the conditions of Ord. No._____this document is give final approval by the Arkadelphia Planning Commission. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under the authority of said Rules and Regulations.

_____ (Signed)_____

Date of execution

Name
City Engineer
Arkadelphia,
Arkansas

Approval of the final plat shall become null and void unless said plat is filed for record within thirty (30) days from the date of execution of this certificate.

E. Procedure for approval of the final plat Whenever the provisions of these rules and regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the developer may submit to the staff an application for review and approval of the final plat, which shall consist of:

1. A letter formally requesting review and final approval of the plat.

2. The final plat and other documents as specified in Section 3E

3. A statement by the City Engineer that the developer has:

   a. Installed all improvements in accordance with the plans and specifications approved by the Planning Commission, or
   b. A performance guarantee acceptable to the Planning Commission has been posted with the City Clerk in sufficient amount to assure the completion of all required improvements, or
   c. Executed a contract with the city acceptable to the Planning Commission guaranteeing the completion of all required improvements. (Ord. No. B-425, Chapter III.)

15.04.04 Acceptance of final plat by sections A developer at his option may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of this ordinance with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and the final plat hereof are approved in section by the Commission, each final plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

When the proposed subdivision constitutes a unit of a larger tract owned by the developer which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentatively proposed layout of streets, blocks, drainage, water, sewer, and other improvements for such area. The overall layout, if approved by the Commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City Engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout unless changed by the Commission. However, except where the developer agrees to such change, the Commission may change such approved overall layout only when the Commission finds:

A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the

provisions of this ordinance, or

B. That adherence to the previously approved overall layout will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area. (Ord. No. B-425, Chapter IV.)

15.04.05 Re-platting Property shall not be re-platted which has been previously platted by a common dedication, except in conformity with these requirements:

A. The re-plat shall meet all requirements for a new subdivision that may be pertinent.

B. Re-plats that create or affect three (3) or more lots or affect streets or alleys or for some other reason cannot comply with the re-plat as set forth hereinafter in paragraph (C) must comply completely with the preliminary and final plat requirements, including approval by the Planning Commission, and comply with the Land Use Code. A public hearing will be held before the Planning Commission with a notice run at least one time fifteen (15) days before the hearing in a newspaper of general circulation in Clark County, Arkansas. In addition, the petitioner will notify all property owners within two hundred (200) feet of the land to be re-platted of the hearing, the date and the subject matter of the hearing, which notice shall be sent certified mail, return receipt, addresses only. The return receipts properly signed will be delivered to the Planning Commission at the public hearing. Petitioner's use of the addresses as set forth in the Clark County Assessor's office is acceptable for determining proper notification.

C. Re-plats that create or affect only one new lot from an existing parcel or lot, resulting in two lots, may be approved administratively by the appropriate city Building Official if the following requirements are met.

1. There are no streets, alleys, easements, or utilities affected in any manner.
2. The re-plat does not violate with any existing bill of assurance or restrictive covenant that affect the lot(s) and that the lot(s) as re-platted meet all of the requirements of any existing bill of assurance or restrictive covenants.
3. The lot(s) as re-platted must meet the Land Use Code and all minimum requirements.
4. The Building Official may refer the re-plat to the Planning Commission.

D. All re-plats must be evidenced by a survey capable of being filed of record in the office of the Circuit Clerk and Recorder and stamped with the approval of the appropriate Building Official or Planning Commission.

E. Appeals from decision of the appropriate Building Official may be filed with the Planning Commission and then the City Board.

F. A fee of Twenty Dollars ($20.00) per re-plat shall be collected for each re-plat that does not require a preliminary plat. If a preliminary plat is required, the fee for the re-plat shall be the same as required for a preliminary plat. The re-plat will not be reviewed or considered until such fee has been collected. (Ord. No. O-98-19, Sec. 1.)

15.04.06 Flood plain zoning and easements

A. The city will strongly discourage the platting of property for construction purposes that is in a natural flood plain or other are that is subject to flooding.

B. The city will not be financially liable for any damages due to flooding.

C. The city shall put a notice of potential damage from flooding notification on building permit. (Ord. No. B-425, Chapter VI.)

Reference Title 11.44 Storm Water Management and Drainage

15.04.07 Provisions for parks and recreational areas The city reserves the right to require the developer to dedicate property within the subdivision for parks and recreational areas. The location of these areas will be in general accordance with the Comprehensive Plan for the city, as adopted by the Board of Directors, and shall generally be equal to one (1) acre for each fifteen (15) acres developed or a cash contribution based on a ratio of 1/15th of the development if less than fifteen (15) acres. (Ord. No. B-425, Chapter VII.)

15.04.08 Minimum required improvements for subdivision entirely located within the city water and/or sewer limits Every sub-divider shall be required to install, at his own expense, or to have installed by the appropriate public utility the following improvements:

A. Street grading

1. All streets shall be cleared and graded as approved by the City Engineer.
2. Finished grades shall be at levels approved by the City Engineer or the appropriate agency.

B. Street paving

1. Street paving widths shall be in conformance with standards set forth in the municipal plan.
2. Streets shall be paved to widths specified in Chapter IX. The subdivider shall install pavement up to thirty-six (36) feet in width from back of curb to back of curb.
3. Street pavements shall be installed according to the city specifications as adopted by the City Board of Directors.

C. Curbs and gutters Curbs and gutters shall be installed on all streets.

Installations shall be in accordance with the city specifications as adopted by the City Board of Directors.

D. Sidewalks

1. Sidewalks shall be built by the landowner or developer when a new subdivision is being constructed.
2. They shall be installed on both sides of collector streets and on one side of local streets, including cul-de-sacs. (Refer to Master Street Plan, Figure 4, Urban Functional Classification; and Regulations to Control Development of Land for current street classifications.)
3. Sidewalks in residential areas shall be placed in the street easement and abut the property line of the landowner/developer or along the street curb line, or as determined by the Planning Commission
4. The Commission may require additional sidewalks near commercial areas, schools, and other places of public assembly.
5. Sidewalks shall have a minimum width of four (4) feet.
6. Sidewalks shall be built in accordance with Arkadelphia Ord. No. B-313.
7. Property owners are required to rebuild, maintain, and repair foot pavements or sidewalk improvements and curbing within ninety (90) days after notice has been served on them. Notice served on the agent in charge of the property shall be binding on the owner. Notice to be legal under this section must be approved by a vote of at least four (4) members of the Board of Directors. (Ord. No. O-04-12, Sec. 1.)

E. Utility lines

1. Water supply

a. Where a public water supply is within a reasonable distance, the sub-divider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street.

b. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the Health Department.

2. Sanitary sewage disposal

a. Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the sub-divider shall connect with such sewer and provide connection to each lot.
b. Such sanitary sewerage system shall be installed and the connections installed to each lot prior to the installation of the street pavement.
c. Where a public sanitary sewer is not accessible, an alternate method of sewage for each lot or a community sewage disposal system may

be used when in compliance with the standards of the Health Department, and these regulations.

d. In the preceding paragraphs (1)(b) and (2) (c) of this section, Utilities, the phrase "Every sub-divider shall be required to install…," shall be interpreted to mean that the sub-divider shall install the improvements referred to herein, or whenever a septic tank and absorption system or private water supply is to be provided, that the sub-divider shall require, as a condition in the Bill of Assurance of the subdivision, that those facilities shall be installed by the builders of the improvements of the lots in accordance with these rules and regulations.

3. Storm drainage

a. Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culverts and other facilities.
b. All drainage facilities shall be so designed to serve the entire drainage area.
c. **Reference** Title 11.44 Storm Water Management and Drainage
d. The City Engineer and Commission shall approve all drainage features.

4. Other utilities Other utilities to be installed in a subdivision shall be located in the grass plot outside of the curb lines. If stubs to the property lines are not installed, then connections between the lots and the utility lines shall be made without breaking into the wearing surface of the street. Jacking operations are recommended.

F. Monuments

1. Monuments shall be of concrete at least four (4) inches in diameter or square, three (3) feet long, with a flat top. Top of monuments shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade. Monuments shall be set on all outside lines of the subdivision at angle points and points of curve.
2. All lot corners shall be marked with metal pins not less than one-half (½) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

G. Fire hydrants Fire hydrants shall be placed so that no lot in a residential subdivision is more than five hundred (500) feet from a hydrant located on the same street. The Commission may require other spacing in commercial or in industrial subdivisions.

H. Street names Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with specifications

adopted by the city Board of Directors.

I. Street lights Street lights may be required by the Commission. They shall however be installed to specifications adopted by the city Board of Directors.

J. Exceptions The Commission, upon request of the sub-divider, shall permit special exceptions to be made to the improvements and procedures required by these rules and regulations when, in the opinion of the Commission, such exceptions are in keeping with the intent of these rules and regulations, and when exceptions will provide for a development, the character of which will be in conformance with existing platting and development in the general neighborhood of the proposed subdivision. The sub-divider may be required to furnish special information in order to aid the Commission in its determinations. (Ord. No. B-425, Chapter VIII)

15.04.09 Design criteria for subdivisions entirely located within the city water and/or sewer limits

A. Streets The location and width of all highways, thoroughfares, streets and roads shall conform to the Comprehensive Plan. The proposed street system shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width.

1. Street right-of-way widths:

a.	Principal arterial	100 ft. minimum
b.	Minor arterial	80 ft. minimum
c.	Collector street	60 ft. minimum
d.	Local street	50 ft.
e.	Cul-de-sac	50 ft.
f.	Alleys	20 ft.

Right-of-way requirements in excess of one hundred (100) feet as shown on the recorded Comprehensive Plan shall be reserved for acquisition by the appropriate public body at a later date, on all properties purchased on or after the adopting of these regulations.

2. Street paving widths and types:

a.	Principal arterial	48 – 72 ft. as specified by the Comprehensive Plan
b.	Minor arterial	28 – 44 ft. as specified by the Comprehensive Plan
c.	Collector street	36 ft. back of curb to back of curb
d.	Local streets	27 ft. back of curb to back of curb
e.	Cul-de-sac	27 ft. back of curb to back of curb
f.	Cul-de-sac turnarounds	40 ft. pavement radius

g. Alleys 20 ft.

3. General

a. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements from each side of the centerline.

b. When the subdivision is located on only one side of the centerline of an existing street, one-half of the required right-of-way, in no case less than twenty-five (25) feet nor more than fifty (50) feet measured from the centerline of the existing right-of-way, shall be provided.

c. When a tract fronts on streets other than minor streets or collector streets, the Commission may require affected lots fronting on such major street to be provided with frontage roads.

d. Grades on minor streets and cul-de-sacs shall not exceed twelve percent (12%). Grades on all other streets shall not exceed standards of the Comprehensive Plan, or when no standards have been established, seven percent (7%) shall be the maximum grade permitted. Street grades along the gutter shall not be less than one-half of the one percent (1%) provided adequate drainage can be obtained.

e. Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle less than seventy-five degrees (75º). Detailed designs of intersections may be required.

f. Property line radius at street intersections shall not be less than twenty-five (25) feet and where the angle of street intersection is less than ninety degrees (90º), the Commission may require a greater radius.

g. Curb line radius at street intersections shall be at least twenty-five (25) feet and where the angle of street intersection is less than ninety degrees (90º), the Commission may require a greater radius.

h. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.

i. Cul-de-sac streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long. There shall be provided at the closed end, a turnaround having an outside right-of-way diameter of at least one hundred (100) feet.

j. Alleys may be required at the rear of all lots to be used for business purposes, but shall not be provided in residential blocks except where the sub-divider produces evidence satisfactory to the Commission, of the need of alleys.

B. <u>Blocks</u>

1. Residential blocks shall not be less than six hundred (600) feet or more than one thousand three hundred twenty (1,320) feet in length, except as the Commission

considers necessary to secure efficient use of land or to achieve desired features of the street system. In blocks over one thousand (1,000) feet long, the Commission may require public crosswalks across the block.

2. Residential blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where fronting on freeways, expressway, or major thoroughfares or prevented by topographical conditions or size of the property, in which case the Commission may approve a single tier of lots of minimum depth.

C. Lots

1. In so far as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a public street or road.
2. The size, shape and orientation of every lot shall be as the Commission deems appropriate for the type of development and use contemplated. No lot shall be more than three and one-half (3½) times as deep as it is wide nor shall any lot average less than one hundred (100) feet deep.
3. Every residential lot served by a public sewerage system shall not be less than sixty (60) feet wide at the building line or less than six thousand (6,000) square feet in area.
4. For residential lots not served by a public or community sanitary sewerage system, lot sizes shall be determined as follows: A sub-divider shall conduct a percolation test on each proposed lot in a subdivision and indicate the location and result of each test on the preliminary plat; the dimensions and area of each lot may be established at the levels necessary to fulfill the requirements of the Health Department and the Arkansas Pollution Control and Ecology Commission.
5. Building lines for residential lots shall be at least twenty-five (25) feet from each street property line. Corner lots shall be at least seventy-five (75) feet wide at the building line to allow for side street building lines. Buildings lines may be less than twenty-five (25) feet when the average slope of the first fifty (50) feet of the lot is greater than twenty percent (20%).
6. Lots, other than corner lots, fronting on two (2) streets, shall not be platted except under exceptional circumstances in which case building lines shall be established on both frontages.
7. A planting screen reservation of at least ten (10) feet and across which there shall be no right of vehicular access provided along the line of lots abutting such traffic artery or other disadvantageous use.
8. Size, shape, and arrangement of commercial and industrial lots, where platted, shall be subject to the approval of the Commission.

9. Building lines for commercial and industrial lots shall be at least forty (40) feet from each street property line or as required by the Planning Commission.

D. Easements Easements no less than ten (10) feet wide may be required by the Commission for drainage and utility lines.

E. Water supply and distribution system

1. All subdivisions shall be provided with water supply and water distribution systems approved by the city and meeting the requirements of the State Department of Health.
2. The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Recognized engineering design criteria shall be used to design the system. The minimum size water main for the entire urban area shall be six (6) inches in diameter.
3. Fire hydrants shall be located so that every building within the subdivision will be within five hundred (500) feet of a fire hydrant. The water distribution system and the location of fire hydrants shall be in accordance with the requirements of the Fire Rating and Inspection Bureau and the city Water Department. Additional fire hydrants that are desired by the city shall be paid for by the city.
4. The city may require larger water mains than are necessary to serve the subdivision in order to provide for future development for the area. In the event that larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines.

F. Sewage collection and treatment system

1. All subdivisions shall be provided with an approved sewage collection and treatment system.
2. Connection with the city's sanitary sewer system shall be required except where the City Engineer determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal.
3. When septic tanks are permitted, the developer shall conduct percolation tests under the supervision of a registered professional engineer in accordance with requirements of the State Department of Health in order to determine the adequacy of proposed lot sizes and the soil.
4. If a sanitary sewage treatment system is to be installed, the plans for such system shall be approved by the State Department of Health prior to approval of the final plat by the Planning Commission.
5. The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision. Recognized engineering design criteria in accordance with the requirements of the State Department of Health shall be used to design

the system.

6. The minimum size line, excluding house service lines, shall be six (6) inches in diameter.
7. Manholes shall not be spaced more than four hundred (400) feet apart and shall be provided at all changes in grade, direction, and pipe size.
8. The city may require larger sewer lines than are necessary to serve the subdivision and future development of the same subdivision, in order to provide for future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines.

G. Reference Title 11.44 Storm Water Management and Drainage.

H. Water and sewer house service connections Water and sewer service connections shall be provided for every lot in the subdivision and the city Plumbing Code shall govern the size and material.

I. Other utilities The developer shall make arrangements with the appropriate private utility companies for the extension of their respective utility services to and within the subdivision.

J. Site grading After completion of the streets and utilities, the site shall be cleared up and graded to drain. (Ord. No. B-425, Chapter IX.)

15.04.010 Improvements and design criteria for subdivision entirely located beyond city water and sewer limits

A. Areas wholly beyond the water and sewer limits of the city but within the five (5) mile planning area shall be provided with the following improvements, by the sub- divider:

1. Street grading

   a. All street rights-of-way shall be cleared and graded as approved by the City Engineer.
   b. Finished grades shall be at levels approved by the City Engineer.

2. Street paving construction Surfacing shall consist of a minimum of six (6) inches of SB2 sub-base, or equivalent, and two (2) inches of hot mix asphalt or double seal.

3. Minimum street and alley, if any, pavement widths

   a. Arterial streets – pavement as required for local streets. Right-of- way as required by the Master Street Plan. Shoulders-three (3) feet.
   b. Collector streets-pavement as required by local streets. Right-of-

way as required by the Master Street Plan. Shoulders-three (3) feet.

c. Local streets-pavement twenty-four (24) feet. Right-of-way, fifty (50) feet. Shoulders – three (3) feet.

d. Cul-de-sacs –pavement twenty-four (24) feet, plus a circle with a thirty (30) foot radius at the closed end. Right-of-way, fifty (50) feet; one hundred (100) feet at end. Shoulders –three (3) feet.

e. Loop streets-pavement twenty-four (24) feet. Right-of-way, fifty (50) feet.

f. Alleys, if any-fifteen (15) feet of right-of-way, pavement as required by the Planning Commission.

B. Every sub-divider whose proposed subdivision will be located beyond the water and sewer limits of the city, but within the boundaries as described in the planning area map, as recorded, shall be required to provide, at his own expense, or have provided by the city or appropriate public utility, the following:

1. Street name signs Street names signs shall be installed according to the specifications of the city.

2. Monuments and markers

a. Concrete monuments, four (4) inches in diameter or four (4) inches square and thirty (30) inches long with one-half (½) inch metal reinforcing rod running the length of the monument, shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision.

b. Metal rods three-fourths (3/4) inches in diameter and twenty-four (24) inches long with the top end placed flush with the ground shall be placed at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision, and at all lot corners.

c. In situations where conditions prohibit the placing of markers in the locations prescribed, offset markers will be permitted.

d. The exact location of all monuments and markers shall be shown on the final plat, together with accurate interior angles, bearings and distances.

3. Utilities and drainage

a. Private water supply, septic tanks and absorption systems

Where a public water supply is not available, or a public sanitary sewer is not accessible, a certificate or letter from the County Health Department shall be presented showing the results of percolation tests for septic tanks and a statement as to the ability of the soil to absorb water. The statement must set out that septic tanks meet the

requirements of the County Health Department. The letter shall also state the County Health Department's recommendations as to the approximate recommended depth of wells, if known. If unknown, the sub-divider shall sink a test well to enable the County Health Officer to evaluate the adequacy of the individual well water supply. The statement must set out that the well meets the requirements of the County Health Department.

b. Storm drainage

(1) All land development shall be related to the surrounding drainage pattern with provisions made for proper storm drainage facilities.
(2) All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the appropriate authority.
(3) Whenever drainage ditches are used, such ditches shall be designed so that they can at all times be kept clean and easily maintained.
(4) The Planning Commission shall approve all drainage features. (Ord. No. B-425, Chapter X.)

Reference Title 11.44 Storm Water Management and Drainage

15.04.011 Submission procedures and design criteria for mobile home parks

A. General A mobile home park may include mobile homes of single width or multiple width or both, single family detached modular homes, conventionally built single family detached homes, or any combination thereof, but shall not include travel trailers or motor homes. No more than thirty percent (30%) of the total number of dwelling units in a mobile home park may be conventionally built or modular single family detached dwellings.

B. Site plan required All applications for development of a mobile home park shall be accompanied by a site plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon. The site plan shall show:

1. The area and dimensions of the tract of land, with identification of location and boundaries.
2. The number, location and size of all mobile home spaces.
3. The location, width and specifications of driveways, roadways and walkways.
4. The location and specifications of water and sewer lines, and riser pipes.
5. The location and details of lighting, electrical and gas systems.
6. The location and specifications of all buildings constructed or to be

constructed within the park.

7. Existing and proposed topography.
8. The location of fire mains, including the size, hydrant, and other equipment which may be provided.
9. Such other information as reviewing officials may reasonably require.

C. Location and design criteria A mobile home development may be allowed by the Planning Commission subject to the following standards. The burden of proving compliance with these standards shall be on the applicant.

1. A mobile home park, when located inside the city limits, shall only be located in R-3 or C-2 Districts.
2. All new mobile home parks created after the effective date of this ordinance shall conform to the regulations and standards established in this section. No existing mobile home park shall be permitted to expand beyond its existing boundaries unless the new area developed conforms to all the regulations and standards of this ordinance.
3. A mobile home park shall have a minimum site area of two (2) acres.
4. No mobile home park shall contain more than twenty (20) acres of gross area without express approval of the Planning Commission.
5. Mobile home spaces shall be at least forty (40) feet wide, eighty (80) feet deep and be at least three thousand two hundred (3,200) square feet in size. Every mobile home space shall be clearly defined.
6. No mobile home park shall have an overall density of less than three (3) dwelling units per acre.
7. No mobile home park shall be located abutting a residential development having a density of less than eight (8) dwelling units per acre.
8. Access to mobile home parks shall be only from major streets or highways. No mobile home parks shall have access to or from local residential streets.
9. Condition of soil, groundwater level, drainage, and topography of proposed mobile development sites shall not, in the opinion of the Planning commission, City Inspector, or City Engineer, create hazards to the property or health and safety of the occupants. Mobile home sites shall not be exposed to objectional smoke, noise, odors, or other adverse influences. No mobile home site shall be located with the area defined as the 100 year flood plain by the city's Flood Plain ordinance.
10. Proposed mobile home sites shall be served by existing municipal water and sanitary sewer services.
11. Proposed mobile home sites shall be accessible to essential community facilities and services such as employment centers, shopping centers and police and fire protection.
12. Mobile home developments shall not be located directly abutting conventionally built single family detached housing of significantly different unit value and density than the proposed mobile homes except where extensive natural buffering exists and will be retained or cane by created so as to functionally separate the two sites.
13. Mobile home parks shall be located, to the maximum extent possible, in such

a manner as to serve as a buffer between commercial uses and medium to high density residential uses.

14. Mobile home parks shall provide a landscaped strip of open space twenty-five (25) feet wide along major highways and local streets.
15. Access to all lots in a mobile home park shall be from interior streets or drives; in no event shall mobile homes be placed in such a manner that continuous access is provided along existing streets.
16. Where a mobile home development abuts an existing conventional residential development, a planting screen or visual barrier, to be approved by the Planning Commission, must be constructed in such a manner that it provides a continual visual buffer between the two districts a minimum of six (6) feet in height.
17. In all mobile home parks, at least two (2) clearly defined off-street hard surface parking spaces will be provided for each mobile home space either in or adjacent to the space.
18. All mobile home spaces shall abut upon a privately maintained street of not less than twenty-five (25) feet in width. Minimum standards for privately maintained streets, except for width, shall be the same as those for publicly maintained streets within the city. All streets within a mobile home park shall be kept clear and have unobstructed access to a public thoroughfare.
19. Each mobile home park shall provide one or more recreation spaces, each not less than five thousand (5,000) square feet in area, developed for use by children. The aggregate area shall not be less than two hundred (200) square feet for each mobile home space.
20. No accessory structure other than a carport, garden structure, storage building, temporary sun or wind shelter shall be erected for the use of the occupant of an individual mobile home.
21. The minimum distance between a mobile home and another mobile home shall be ten (10) feet from side to side, eight (8) feet from side to rear and six (6) feet from the rear. The minimum distance between a mobile home and an accessory structure shall be five (5) feet, except that a temporary sun or wind shelter may be less than five (5) feet from the mobile home which it serves.
22. Standard storm straps or tie-down straps shall be attached to the ground in a permanent manner before any mobile home is occupied. Anchors such as cast-in-place concrete slabs, eyelets imbedded in concrete, screw augers or arrowhead anchors will be permitted. It is required that anchors shall be required at least at each corner of the mobile home and it is recommended that anchors further be provided at intervals of no more than twenty (20) feet. Each anchor shall be able to withstand a tension force of at least four thousand eight hundred (4,800) pounds. The cable or other device shall also be able to withstand a tension of at least 4,800 pounds. Anchors and anchor connections must be approved by the Building Inspector. (Ord. No. B-425, Chapter XI.)

15.04.012 Responsibility for payment of installation costs

A. Streets

1. General The developer shall pay the entire cost of constructing all streets that do not exceed thirty-six (36) feet between the backs of curbs. The thirty-six foot wide street is recognized as the standard collector pavement width in the city. If any security other than cash is put in escrow to cover the future paving assessment, as is hereinafter required, the security shall contain a provision for increasing the amount of the security at a rate of four percent (4%) per annum. This increase shall be for the purpose of offsetting any increase in construction cost that occurs prior to the time that the improvements are actually constructed.
2. Local streets The developer shall pay the entire cost of constructing all local streets.
3. Collector streets The developer shall construct collector streets as part of the subdivision.
4. Boundary streets

    a. Existing streets When the proposed subdivision abuts upon an existing paved street that does not have curb and gutter, the developer shall put a cash deposit, or other security satisfactory to the city, in escrow with the city to cover the future assessment paving programs. This deposit shall amount to the cost of curb and gutter and one-half (½) of the cost of paving a standard width street. The actual unit prices to determine the amount placed on deposit shall be the unit prices received under the terms of the bidding documents. This deposit shall be made in lieu of the actual construction in all cases and shall be made prior to the city's acceptance of the subdivision streets and utilities.
    b. New streets New boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed by the developer as part of the subdivision development.

5. Marginal access streets The developer shall pay the entire cost of constructing marginal access streets.
6. Thoroughfare streets All thoroughfare street design and construction will be handled by the city. The developer shall put a cash deposit, or other security satisfactory to the city, in escrow with the city to cover the future assessment paving programs. This deposit shall amount to the cost of curb and gutter and one-half (½) of the cost of paving a standard width street. The actual unit prices to determine the amount placed on deposit shall be the unit prices received under the terms of the bidding documents. This deposit shall be for one side of the street only and shall be doubled if both sides of the thoroughfare street will be in the proposed subdivision.

B. Street signs The developer shall pay for street signs and their installation. The city will install the signs.

C. Sidewalks The developer shall pay for all sidewalks required by the Planning Commission.

D. Water distribution system All water lines will be installed at the developer's expense to the size and extent necessary to serve the subdivision. Lines of a larger size than require by the subdivision may be eligible for participation on a prorate share basis by the city.

E. Sewage collection and treatment system The developer shall pay all costs of the sewage collection and treatment system, except over-sized collection lines which the city requires for future development of the area.

The city may require larger lines than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger lines are required, the developer may be entitled to participating aid from the city on said over-sized lines.

An eight (8) inch nominal inside diameter sewer line has been established by the city as the minimum size of sewer line for purposes of determining the extent of participating aid from the city. The city will only participate in the cost of sewer lines which are sized larger than eight (8) inches for reasons of providing for future development. This does not apply to lines sized larger than eight (8) inches for the purpose of serving future sections of the same subdivision.

The amount of participation by the city will be determined by taking alternate bids for the over-sized line versus the cost of an eight (8) inch line. The city will pay the difference in cost between the over-sized line and the eight (8) inch line, as determined by the alternate bids.

F. Storm drainage system The developer shall pay all costs of the drainage system.

Reference Title 11.44 Storm Water Management and Drainage.

G. Engineering and surveying The developer shall pay all fees and charges for engineering and surveying services required by this ordinance.

H. All other costs The developer shall pay all other costs that are not specifically covered by this section. (Ord. No. B-425, Chapter XII.)

15.04.013 Construction standards All improvements shall be made in accordance with the standards established by this ordinance that are in effect at the time of the pre-application conference. The City Engineer has been authorized to promulgate rules, regulations, standards, specifications, and other documents as necessary to establish minimum

criteria for the construction of streets and utilities to be constructed within the city and the area within the limits of its jurisdiction. These standards are available from the City Engineer. (Ord. No. B-425, Chapter XIII.)

15.04.014 Authority of City Engineer The City Engineer or his representative shall have the authority to inspect any and all improvements to insure the fulfillment of the intent of this ordinance. He has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work which is not in accordance with the requirements of the plat, plans, specifications or this ordinance. (Ord. No. B-425, Chapter XIV.)

15.04.015 Construction of plans and specifications

A. General Prior to the construction of any streets or utilities, the developer shall furnish two complete sets of plans and specifications for said construction to the City Engineer. These documents shall be transmitted in writing. These plans and specifications will be reviewed for conformity with this ordinance and the city standards. The plans and specifications shall be approved in writing prior to any construction.

Prior to construction, the developer shall present to the city a signed and notarized developer's contract between himself and the city. The developer's contract shall be in accordance with Chapter XV of this ordinance. The City Engineer shall be notified prior to the beginning of construction so that he may inspect the work.

B. Plans

1. General The plans shall be securely bound and shall consist of a title sheet and such plan profile and detail sheets as are required to meet the requirements of this ordinance and to properly define the proposed work. The title sheet shall show the name of the subdivision, engineer, date, and an index of drawings. Each plan-profile and detail sheet where required shall contain this minimum general information, engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number. The plan-profile shall generally be drawn to a horizontal scale of one (1) inch to one hundred (100) feet and a vertical scale of one (1) inch to ten (10) feet. The horizontal scale shall always be ten (10) times the vertical scale for plan-profile.
2. Plan-profile sheets for streets and alleys There shall be a plan-profile for typical streets and alleys. The profile shall show the existing ground on each side of the street at the property line, the proposed grade of the top of the curb for each side of the street, location of utilities, and other information necessary to define the work. The existing and proposed street centerline grades may be shown in lieu of property line and curb grades when permitted.

3. Plan-profile sheets for sanitary sewer and storm sewer The plans shall show all information necessary to locate and construct the proposed work and shall show the locations of all manholes, inlets, and other appurtenances of the system. The profile shall show the existing natural ground at the sewer centerline and the proposed grade at the centerline if such grade will not be the same as the existing grade. The size, grade and material of the proposed pipes and the flowlines of all manholes, inlets, etc. shall be shown. Both the flowline and the inside top of the pipes shall be shown in the profile. These plans shall be accompanied by the engineer's calculations when requested by the City Engineer.

Reference Title 11.44 Storm Water Management and Drainage

4. Plan for water distribution system The plan shall show all information necessary to locate and construct the proposed work and shall show the location of all valves, fittings, fire hydrants and other appurtenances of the system.

C. Specifications The specifications shall be securely bound and shall consist of the following minimum information: General Conditions of Agreement, Special Conditions of Agreement, and all applicable technical specifications. The Special Conditions shall contain provisions for time of completion, performance, and payment bonds, and other pertinent requirements. (Ord. No. B-425, Chapter XV.)

15.04.016 Final inspection Upon completion of construction, the developer shall arrange a final inspection of all streets and utilities. This inspection shall be attended by the developer, his engineer, the contractor, and the City Engineer. If the City Engineer determines that the streets and utilities are complete and in accordance with this ordinance and the plans and specifications, he shall so inform the developer. The developer shall then transmit in writing to the city a Notice of Completion, the required bonds and the as-built drawings. (Ord. No. B-425, Chapter XVI.)

15.04.017 As-built drawings Upon completion of construction, and prior to the city's acceptance, the developer shall furnish the City Engineer with a complete set of reproducible "as- built" drawings and a set of prints made therefrom. Each sheet of these drawings shall be plainly marked "As-built" and shall be signed by the engineer who prepared the plans and supervised the construction. (Ord. No. B-425, Chapter XVII.)

15.04.018 Formal acceptance by city After the City Engineer has inspected the work and indicated to the developer that the streets and utilities are acceptable to the city, the developer shall give a formal Notice of Completion to the city. This notice shall be in writing and shall be accompanied by the as-built drawings, payment and performance bonds, and all fees that are due. Upon receipt of the as-built drawings, payment and performance bond, and all form, the City Engineer will issue a Notice of Acceptance of the streets and utilities and will present the final plat to the Planning Commission for approval. (Ord. No. B-425, Chapter XVIII.)

15.04.019 Special provisions

A. No building, repair, plumbing, or electrical permits shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

B. The city shall not repair, maintain, install, or provide any streets or public utility service in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

C. The city shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

D. When directed by the city Board of Directors, the City Attorney shall institute appropriate legal action to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation there, which occurs within the city within the extraterritorial jurisdiction of the city, or within any area subject to all or a part of the provisions of this ordinance.

E. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the city Board of Directors shall pass a resolution reciting the face of such non- compliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs A,B, and C of this chapter will apply to the subdivision and the lots therein, the City Clerk shall, when directed by the city Board of Directors, cause a certified copy of such resolutions under the corporate seal of the city to be filed in the deed records of the county. If full compliance and final plat approval are secured after the file and instrument in the deed records, paragraphs A, B, and C no longer apply.

F. Provided, however, that the provisions of this chapter shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of the initial subdivision, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds, and/or any subdivision, or lot, therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this ordinance.

G. Building permits for new residential construction will be issued after streets

have been constructed. Occupancy permits will be issued when utilities and streets are complete and accepted by the city.

H. Deferment of final street improvements will be accepted only under the following conditions:

1. The property is adequately served by all-weather facilities for ingress and egress for pedestrian and vehicular traffic, including fire apparatus.
2. The property is served by all essential permanent utilities, such as water, sewage, electricity and gas.
3. The reason for non-completion at this time is beyond the control of the builder and is one which makes it impossible and impractical to proceed.
4. The work can be completed in twelve (12) months or less.
5. The occupancy of the deferred properties will not be seriously handicapped in the use of the properties by the deferment of the work, nor will postponement endanger, mar, or destroy work previously completed (such as provision of adequate drainage outfall, for example).

I. As a condition precedent to the approval of any plat or development, the City Engineer, Commission, or city Board of Directors can impose any reasonable requirement in the public interest to the approval or recommendation of approval of any plat or development within the city or its extraterritorial limits. (Ord. No. B- 425, Chapter XIX.)

15.04.020 Industrial or commercial subdivisions An industrial or commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision. The minimum right-of-way width of a local street in an industrial or commercial subdivision shall be sixty (60) feet, and all other streets shall conform to the standards for major and secondary streets prescribed by the thoroughfare plan and this ordinance. (Ord. No. B-425, Chapter XX.)

15.04.021 Availability of water and/or sewage utilities If a proposed subdivision is located beyond the drainage area of the sewage collection system or beyond the area of the water distribution system, and these utilities cannot be extended to the area, the developer shall be required to furnish with this final plat satisfactory evidence, including (but without limitation) the results of soil tests and borings, and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land, and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or other approved methods. (Ord. No. B-425, Chapter XXI.)

15.04.022 Improvements outside corporate limits All costs incurred in the extension of water and sewer facilities beyond the corporate limits of the city shall be paid by the developer and/or group receiving the benefits of said extensions. (Ord. No. B-425,

Chapter XXII.)

15.04.023 Modification of design requirements, minimum improvements, and subdivision regulations

A. General These rules and regulations are the standard requirements of the city. The Planning Commission may, when concurred in by the City Board, authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commission finds:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
3. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.
5. Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

B. Specific types of land subdivision For specific types of land subdivision, the Commission may modify the subdivision regulations, design requirements and minimum improvements as set forth in this ordinance. The purpose of any modification to these regulations will be to allow diversification and flexibility in the relationship of various land uses and between buildings, structures, and open space in planned buildings groups, while insuring substantial compliance to the overall land use density and zoning and platting regulations, also to allow appropriate development of semi-rural subdivisions with regards to their geographical location within the

extraterritorial limits of the city.

Modifications of these regulations may be made for subdivisions planned under the provisions of the Zoning Ordinance for Community Unit Development or Planned Unit Development, and which may include residential subdivisions involving the cluster, townhouse, or patio house concept for planning residential areas. (Ord. No. B-425, Chapter XXIII.)

15.04.024 Penalty Any person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall fail to comply with any provisions hereof within the corporate or extraterritorial limits of the city shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed Two Hundred Dollars ($200.00). Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (Ord. No. B-425, Part C, Chapter I.)

CHAPTER 15.08

RE-PLATTING OF LOTS

Sections:

15.08.01 Requirements
15.08.02 Re-platting of specific lots

15.08.01 Requirements Property shall not be re-platted which has been previously platted by a common dedication except in conformity with these requirements:

A. The re-plat shall meet all requirements for a new subdivision that may be pertinent.

B. Re-plats that create or affect three or more lots or affect streets or alleys or for some other reason cannot comply with the re-plat as set forth hereinafter in Paragraph C must comply completely with the preliminary and final plat requirements, including approval by the Planning Commission, and comply with the Land Use Code. A public hearing will be held before the Planning Commission with a notice run at least one time fifteen (15) days before the hearing in a newspaper of general circulation in Clark County, Arkansas. In addition, the Petitioner will notify all property owners within two-hundred (200) feet of the land to be re-platted of the hearing, the date and the subject matter of the hearing, which notice shall be sent certified mail, return receipt, addressee only. The return receipts properly signed will be delivered to the Planning Commission at the public hearing. Petitioner's use of the addresses as set forth in the Clark County Assessor's office is acceptable for determining

proper notification.

C. Re-plats that create or affect only one new lot from an existing parcel or lot, resulting in two lots, may be approved administratively by the appropriate City Building Official if the following requirements are met.

1. There are no streets, alleys, easements, or utilities affected in any manner.
2. The re-plat does not violate with any existing bill of assurance or restrictive covenant that affect the lot(s) and that the lot(s) as re-platted meet all of the requirements of any existing bill of assurance or restrictive covenants.
3. The lot(s) as re-platted must meet the Land Use Code and all minimum requirements.
4. The Building Official may refer the re-plat to the Planning Commission.

D. All re-plats must be evidenced by a survey capable of being filed on record in the Office of the Circuit Clerk and Recorder and stamped with the approval of the appropriate Building Official or Planning Commission.

E. Appeals from decisions of the appropriate Building Official may be filed with the Planning Commission and then the City Board.

F. A fee of Twenty Dollars ($20.00) per re-plat shall be collected for each re-plat that does not require a preliminary plat. If a preliminary plat is required, the fee for the re-plat shall be the same as required for a preliminary plat. The re-plat will not be reviewed or considered until such fee has been collected. (Ord. No. O-98-19, Sec. 1.)

15.08.02 Re-platting of specific lots

A. That the provision of Ordinance B-425 known as Part B - subdivision Regulations, Chapter V, Re-platting, requiring written consent of all property owners within two hundred (200) feet is hereby waived for the re-platting of Lots 15 thru 28 of Gills Subdivision of Block One of the Hillcrest# Two Addition to the city of Arkadelphia, Arkansas.

B. That the re-plat of Lots 15 thru 28 of Gills Subdivision of Block One of Hillcrest Addition Number Two to the city of Arkadelphia dated June 1998, is hereby approved, including but not limited to the changing of the lot sizes, renumbering or lettering of certain lots, moving the twenty-two (22) foot alley to a different location, are all approved. (Ord. No.O- 98-13, Sees. 1-2.)

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