TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

7.04 Curfew for Persons Under 18 Years of Age
7.08 Curfew
7.12 Littering
7.16 Loitering
7.18 Walking Trail
7.20 Weapons
7.24 Fireworks
7.28 Claims against City
7.32 Signs
7.36 State Criminal Statutes and Penalties
7.40 Dispatch of Fire Equipment
7.44 Fines for Intoxication
7.45 Additional Fines
7.46 Fire Protection

CHAPTER 7.04

CURFEW FOR PERSONS UNDER 18 YEARS OF AGE

Section:

7.04.01 Curfew for persons under 18 years of age

7.04.01 Curfew for persons under 18 years of age. It shall be unlawful for any minor under the age of eighteen (18) years of age to be found upon any of the streets, alleys, sidewalks and other public places in the city after 10:00 P.M. Sunday through Thursday and after 11:00 P.M. Friday and Saturday, unless accompanied by their parents or person charged with the care of the minor, or en route to see a physician or unless they have special permits issued by the Chief of Police.

CHAPTER 7.08

CURFEW

Sections:

7.08.01 Civil emergencies
7.08.02 Congregating during state of emergency

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

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

CHAPTER 7.12

LITTERING

Sections:

7.12.01 Littering unlawful
7.12.02 Penalty

7.12.01 Littering unlawful. It shall be unlawful for any person, firm or corporation to place, throw or otherwise discard litter in any form in or on any other than a designated disposal area provided for such purpose and the same is herewith prohibited. Litter shall mean cartons, cans, bottles, paper, rubbish, rags, garbage or any other foreign matter or material.

7.12.02 Penalty. Any person, firm or corporation who shall violate the provisions of this chapter shall be deemed 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) or sentenced to jail for a period of thirty (30) days, or penalized by both a fine and jail sentence.

CHAPTER 7.16

LOITERING

Sections:

7.16.01 Loitering illegal after certain hours
7.16.02 Police Chief may issue permit
7.16.03 Penalty

7.16.01 Loitering illegal after certain hours. It shall hereafter be unlawful for any minor of the age of sixteen (16) years and under to be found loitering upon any of the streets, alleys, sidewalks and other public places in the city after 10:00 p.m. Sunday through Thursday and after 11:00 p.m. Friday and Saturday unless accompanied by their parents or person charged with the care of the minor or en route to see a physician or unless they have special permits issued by the Police Chief as hereinafter provided.

7.16.02 Police chief may issue permit. The Police Chief or his assistants may issue permits to minors of sixteen (16) years
and under upon request of the minor's parents or person charged with the care of said minor upon grounds that are sufficient for said minor to be an exception from this chapter.

7.16.03 Penalty. Any parent or person charged with the care of a minor of the age of sixteen (16) years and under, permitting or allowing their child or ward to violate Section 7.16.01 herein shall be deemed guilty of a misdemeanor.

CHAPTER 7.18

WALKING TRAIL

Sections:

7.18.01 Unauthorized use
7.18.02 Penalty

7.18.01 Unauthorized use It shall be unlawful for any object that has wheels, with the exception of authorized wheelchairs or authorized emergency vehicles, to be on or use the walking trail at any time for any purpose. (Ord. No. 05-15, Sec. 1.)

7.18.02 Penalty Any person, firm or corporation who shall violate the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00). (Ord. No. 2005-15, Sec. 2.)

CHAPTER 7.20

WEAPONS

Sections:

7.20.01	Concealed weapon
7.20.02	Discharging firearms
7.20.03	Throwing objects
7.20.04	Discharging air guns

7.20.01 Concealed weapon

A. A person commits the offense of carrying a weapon if he or she possesses a handgun, knife, dirk, sword, or spear in a cane, razor, ice pick, throwing star, switchblade, butterfly knife or a club on or about his or her person, in a vehicle occupied by him or her or otherwise readily available for use with a purpose to employ the handgun, knife, or club as a weapon against a person.

B. Any person possessing a valid Arkansas license to carry a concealed firearm may carry a concealed handgun. The licensee shall carry the license, together with valid identification, at any time when the licensee is carrying a concealed handgun, and display both the license and proper identification upon demand by a law enforcement officer.

C. The Director of the Department of Arkansas State Police makes a determination as to which states' licenses to carry concealed handguns will be recognized in Arkansas.

D. No license to carry a concealed handgun issued pursuant to A.C.A. 5-73-315 authorizes any person to carry a concealed handgun into any police station, jail, courthouse, courtroom (however nothing in this subchapter precludes a judge from carrying a concealed weapon or determining who will carry a concealed weapon into the courtroom), any polling place, any meeting place of the

governing body of any governmental entity, municipal building, any establishment licensed to dispense alcoholic beverages for consumption on the premises, church or other place of worship, any place where carrying firearm is prohibited by federal law, and any place at the discretion of the person or entity exercising control over the physical location of the place by placing at each entrance to the place a written notice "carrying a handgun is prohibited." (Ord. No. 2012-6, Sec. 1.)

7.20.02 Discharging firearms If any person shall be found guilty of discharging firearms of any kind within the city, unless in self-defense or in the execution of legal process, or within the confines of a gun testing chamber which is completely contained within a duly licensed gun manufacturing facility, he shall be deemed guilty of a misdemeanor. (Ord. No. 2008-11, Sec. 1.)

STATE LAW REFERENCE-Discharging firearm as disturbance of the peace, A.C.A. 5-5-101

7.20.03 Throwing objects Any person found throwing stones, sticks or missiles of any kind whatever at or upon any public or private building or at any person in the street, alley, place or unenclosed or enclosed ground within the city shall be deemed guilty of a misdemeanor.

7.20.04 Discharging air guns No person shall possess, use or discharge any type of a pellet, "B-B", air rifle or pistol, or any other such weapon which is gas, air or spring operated within this city, unless he does so on his own property.

CHAPTER 7.24

FIREWORKS

Sections:

7.24.01	Definition of fireworks
7.24.02	Unlawful to sell
7.24.03	Unlawful to shoot, exception
7.24.04	Fines

7.24.01 Definition of fireworks Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, dayglo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

7.24.02 Unlawful to sell It shall be unlawful for any person, firm or cooperation to sell, offer for sale or give away any fire crackers, roman candles, sky rockets or fireworks of any kind, within the city limits of Horseshoe Bend.

7.24.03 Unlawful to shoot, exception Except as provided herein, it shall be unlawful for any person or persons to shoot fireworks of any kind within the city limits of Horseshoe Bend. Personal use fireworks may be discharged on the 4th of July only if authorized by the City Council annually. Also the City Fire Department shall be authorized to annually conduct a fireworks display in honor of the 4th of July.

7.24.04 Fines Any person or cooperation violating the provisions of this ordinance, shall be fined as outlined:

A. 1st Offense- Warning
B. 2nd Offense- One hundred dollar ($100) fine and confiscation of fireworks
C. 3rd Offense- Two hundred fifty dollar ($250) fine and confiscation of fireworks
D. All other offenses- Five hundred dollar ($500) fine and confiscation of fireworks.

CHAPTER 7.28

CLAIMS AGAINST CITY

Sections:

7.28.01	Liability insurance
7.28.02	Settlement of claims

7.28.01 Liability insurance. The city shall carry liability insurance on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. (A.C.A. 27-19-203, et seq) STATE LAW REFERENCE-Ark. Stat. 12-2903

7.28.02 Settlement of claims All persons having claims against the city may file them with the City Recorder/Treasurer. The Recorder/Treasurer shall present them to the Council. The Council may grant a hearing for the claimant and authorize a settlement.
STATE LAW REFERENCE-A.C.A. 21-9-302

CHAPTER 7.32

SIGNS

Sections:

7.32.01	Fee
7.32.02	Obscene matter
7.32.03	Permit number
7.32.04	Handbills and circulars
7.32.05	Permission required
7.32.06	Guidelines
7.32.07	Residential property
7.32.08	Exceptions
7.32.09	Number
7.32.10	Application
7.32.11	Commercial signs
7.32.12	Directional signs
7.32.13	Maintenance
7.32.14	Contractor
7.32.15	Penalty
7.32.16	Enforcement
7.32.17	Non-conforming signs

7.32.01 Fee A fee of Five Dollars ($5.00) for each sign permit shall be paid to the city with each permit application, which may cover two (2) signs if submitted at the same time, provided that such amount shall be returned if application is denied. (Ord. No. 85-09, Sec. 1)

7.32.02 Obscene matter No bill poster or other person shall post or affix any bill or advertisement containing pictures, illustrations or printed matter of any obscene or immoral character so that the same can be seen from the street, public ground or public way.

7.32.03 Permit number A case number will be issued with each permit. This number must be legibly incorporated in the lower right corner of each sign displayed.

7.32.04 Handbills and circulars No person or business firm shall loosely scatter, distribute or throw any bill or advertising matter on the surface of any public streets or ways or in any of the public ground of the city nor on business or private property.

7.32.05 Permission required It shall be unlawful for any person, firm or corporation to post, erect, paste, display, paint or place signs or other advertising device of any kind or character within the corporate limits of the city, except those duly authorized by the Building Committee. This does not pertain to indoor signs. (Ord. No. 2007-6, Sec. 6)

7.32.06 Guidelines The architectural mode of the signs shall conform to the following guidelines:

A. Signs should be designed to conform to or blend in with the decor and architecture of the principal building or the property.

B. All signs shall be neat and cleanly lettered, and shall not be flashy so as to be distracting. Logos may be used to provide for identification individually.

C. No sign erected in the city limits shall exceed thirty-two (32) square feet except at the discretion of the Building Committee. (Ord. No. 2007-6, Sec. 6.)

D. All signs must conform to the Horseshoe Bend Zoning Code.

E. No sign, except as provided in Sections 7.32.08 and 7.32.14, shall be placed on a tree or utility pole. (Ord. No. 85-09, Sec. 3)

F. No sign of any kind may be placed within the road right-of-way of any city, county or state highway within the city limits. (Ord. No. 2007-6, Sec. 1.)

7.32.07 Residential property No sign shall be placed on residential property, except temporary "FOR SALE", "FOR RENT", "OPEN HOUSE", "GARAGE SALE", etc. signs which shall be of dimensions not to exceed twenty-four (24) inches by twenty-four (24) inches. All such signs may only be placed on the subject property and shall be self-supporting and shall preferably be mounted on metal stanchions. Such signs must be removed from property within ten (10) days from finalization of sale or rental contract or other advertised event. (Ord. No. 2007-6, Sec. 2.)

7.32.08 Exceptions Property owners' name, address and lot number signs are not in violation of this chapter.

7.32.09 Number Unless otherwise specified, each individual business, establishment, or institution will be allowed a total of two (2) signs, but not more than one (1) each of the following types of signs on premises: wall sign, projecting sign, awning sign, free standing sign, marquee, or electronic sign. Where a business has more than one (1) frontage, two (2) additional signs but not more than one (1) of each type, will be allowed on each additional frontage. (Ord. No. 85-09, Sec. 4)

7.32.10 Application

A. Application for permits Application for a permit for the erection, alteration, or relocation of a sign shall be made in writing to the Building Committee upon the form provided by the Building Committee showing the exact location, type of sign, on or off premises, and written permission of the property owner or agent for placement of sign if off premises. A separate drawing of proposed sign with complete specifications and wording must be furnished by the applicant along with the name of the maker of the sign. The Committee may require additional pertinent information. A separate permit shall be required for each sign.

B. Application for variance In applying for a permit, the applicant may also petition for a variance from specific requirements of the Code. A request for a variance to the sign ordinance should be made to the Chairman of the Building Committee. It shall be the responsibility of the applicant to demonstrate that a literal application of the Code would create a particular hardship for the applicant.

C. Appeals Any decision by the Building Committee in denying a permit or alleging a violation of the ordinance may be appealed to the Board of Zoning Adjustment. Appeal of decisions of the Board of Zoning Adjustment may be made to the City Council. (Ord. No. 85-09, Sec. 5)

7.32.11 Commercial signs Signs of a commercial nature may only be placed on the property on which the business is located and shall not be placed so as to cause a traffic hazard. Permit and fee required.

Abandoned signs An abandoned sign is defined as a sign which pertains to a non-existing business or organization. If this type of sign is not removed by the property owner, it will be removed by the city at the property owner's expense.

Banner sign A banner sign is defined as a sign made of fabric or any non-rigid material, string pennants, festoon, windblown attention-catching devices. Banners are prohibited except as allowed for special events, festivals, grand openings or recognized holidays. All such banners may be left in place for a period not to exceed thirty (30) days. Permit but no fee required.

Portable signs A portable sign is defined as any sign which is capable of being moved easily and that is not permanently affixed to the ground, structure or building. This includes signs mounted on wheels or a trailer chassis. Permit and fee required. (Ord. No. 2007-6, Sec. 4)

Roof sign A roof sign is defined as a sign erected upon or which extends above the roof of the building to which is attached. This type of sign is prohibited.

Wall sign Outdoor advertising display sign that shall be painted on or affixed to the wall of any building. Permit and fee required.

Snipe sign A snipe sign is a sign or poster affixed to a tree, fence, utility police or placed on any public right-of-way, sidewalk or parkway. This type of sign is prohibited except as herein provided.

Free standing sign A free standing sign shall be defined as a sign supported by poles or braces in the ground and not attached to any building. Permit and fee required.

Marquee signs A projecting sign attached to or hung from a marquee. Permit and fee required.

Projecting sign An outdoor advertising display which is affixed to any building wall or structure and extends beyond the building more than twelve (12) inches. Permit and fee required.

Readerboard or price signs Readerboards or price signs with movable copy are allowed. Permit and fee required.

Lighting No revolving or rotating beam or beacon of light that simulates any emergency light or design shall be permitted as part of any outdoor advertising sign. External lighting such as floodlights, thin-line and gooseneck reflectors are permitted, provided that the light source is directed on the face of the outdoor advertising sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of any right-of-way. Flashing lights or a flashing sign which contains an intermittent or sequential flashing light source is prohibited. Any lighted sign must conform to the city Electrical Code. Permit and fee required.

Temporary outdoor signs Political, community, civic and fraternal organizations sponsoring public service events and for elections, both primary and general, shall be allowed to post temporary signs designed to inform the public. All such signs may be placed not more than thirty (30) days prior to the event and must be removed no more than two (2) days after the event. (Ord. No. 2012-4, Sec. 1.)

Garage sale signs will be permitted on private property only with the owner's permission and in accordance with Section 7.32.11, paragraph 7. Signs are to be picked up before sundown the last day of the sale. Permit but no fee required.

Open house signs will be permitted on private property on with the owner's permission and in accordance with Section 7.32.11, paragraph 7. Signs are to be removed immediately after the close of the event. Permit but no fee required. (Ord. No. 85-9, Sec. 6)

Real estate "FOR SALE" or "FOR RENT" signs, which shall be of dimensions not to exceed twenty-four (24) by twenty-four (24) inches, may only be placed on the property that is for sale or for rent, and shall be self-supporting and shall preferably be mounted on metal stanchions. Such signs must be removed from property within ten (10) days from finalization of sale or rental contract. (Ord. No. 2007-6, Sec. 3.)

7.32.12 Directional signs

A. All commercial directional signs located off premises are permitted only with the approval of the Building Committee. The sign owner shall secure written permission of the property owner for location of such signs, proof of which must be submitted with application. Permit and fee required. (Ord. No. 2007-6, Sec. 5.)

B. A sign should not be a traffic hazard.

C. Entrance and Exit signs may be placed on the property lines by driveways not to exceed three (3) feet in height and an overall size of three and one-half (3 ½) square feet. Signs which are normally an integral part of equipment such as gasoline pumps or other dispensing or servicing devices, identification devices, identification of full and self-service lanes, drive-in windows, and credit card signs, or informational signs shall be limited to a maximum of eight (8) square feet each. No permit required. (Ord. No. 85-9, Sec. 7)

7.32.13 Maintenance. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in repair and shall not constitute a hazard to public safety. The Building Committee may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee following thirty (30) days notice for removal, after which the city will remove the sign at the owner's expense. (Ord. No. 2007-6, Sec. 6)

7.32.14 Contractor Permits for contractors' signs on construction sites will be included in the building permit, and will be administered by the Building Committee, and must be dismantled within ten (10) days of issuance of Certificate of Occupancy. (Ord. No. 2007-6, Sec. 6)

7.32.15 Penalty Any person, firm or corporation who shall violate the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00), or sentenced to jail for a period of thirty (30) days, or penalized by both a fine and a jail sentence.

7.32.16 Enforcement The police officer of the city are hereby authorized to enforce the provisions of this chapter.

7.32.17 Non-conforming signs

A. Non-conforming signs are defined as:

1. A sign which was erected legally but which does not comply with subsequent enacted sign restrictions and regulations.

2. A sign which does not conform to the sign code requirements but for which a non-conforming permit or variance has been issued.

3. A sign in existence prior to the adoption of this ordinance which does not conform to the provisions of this ordinance will be grandfathered and not replaced according to Section 2 of Section 7.32.17.

B. Non-conforming signs shall not be:

1. Replaced with another non-conforming sign.

2. Relocated unless relocation will bring the sign into conformity.

3. Structurally altered or repainted so as to extend their useful life.

4. Modified in any way that would increase the degree of non-conformity.

5. Re-established after damage or destruction exceeds fifty percent (50%) of the sign's current appraised value.

C. The above restrictions on non-conforming signs do not preclude normal repairs, maintenance and upkeep. (Ord. No. 85-09, Sec. 10)

CHAPTER 7.36

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

7.36.01 State criminal statutes adopted
7.36.02 State penalties adopted

7.36.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the city recorder/treasurer's office, are hereby enacted by the city council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

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

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

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

CHAPTER 7.40

DISPATCH OF FIRE EQUIPMENT

Section:

7.40.01 Dispatch of fire equipment

7.40.01 Dispatch of fire equipment The Fire Department will not service areas nor answer calls outside the incorporated city limits, except emergency calls for assistance from appropriate municipal, county, state or other governmental agencies.

In response to emergency calls from the officials set out above the Fire Chief or officer in charge shall have the discretion to respond with the equipment and manpower strength that he deems appropriate, with due regard to the safety of the city.

CHAPTER 7.44

FINES FOR INTOXICATION

Sections:

7.44.01 Fines levied
7.44.02 Destination for sums

7.44.01 Fines levied There is levied and shall be collected from each defendant upon a plea of guilty, nolo contendre, forfeiture of bond or determination of guilt in the City Court of Horseshoe Bend, Arkansas, for the offenses of Public Intoxication (5-71-212) or Driving While Intoxicated (5-65-103), the additional sum as is certified by the Department of Finance and Administration as the city's monthly share of uniform cost to be retained by the city, plus, for each year after calendar year 1997, an additional amount based upon the average percentage increase in the Consumer Price Index for all urban consumers or its successors, as published by the U.S. Department of Labor for the two years immediately preceding. (Ord. No. 97-24, Sec. 1.)

7.44.02 Destination for sums The sums so collected by this levy shall be placed in the city's General Fund. (Ord. No. 97-24, Sec. 2.)

CHAPTER 7.45

ADDITIONAL FINES

Sections:

7.45.01 Additional fine
7.45.02 Use of funds

7.45.01 Additional fine There is hereby levied and shall be collected an additional fine of Five Dollars ($5.00) from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the City Court of the city of Horseshoe Bend, Arkansas. (Ord. No. 03-07, Sec. 1.)

7.45.02 Use of funds The funds generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners, including the construction and maintenance of the city jail and payments to other entities for incarcerating city prisoners. The funds shall be deposited into a special fund within the city treasury. Revenues derived from the additional fines levied under this section shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of the city jail. (Ord. No. 2003-07, Sec. 2.)

CHAPTER 7.46

FIRE PROTECTION

Sections:

7.46.01	Fee on water bill
7.46.02	Funds
7.46.03	Authority

7.46.01 Fee on water bill After passage of this ordinance, there shall be charged to each water bill issued, a fee of Two Dollars ($2.00) per month. (Ord. No. 2008-1, Sec. 1.)

7.46.02 Funds The funds collected from this charge described in 7.46.01 shall be expended only for the purpose of providing equipment, facilities, training and any other thing necessary to insure the continued existence of the Horseshoe Bend Volunteer Fire Department. (Ord. No. 2008-1, Sec. 2.)

7.46.03 Authority This ordinance is based on the general police powers of the city. (Ord. No. 2008-1, Sec. 3.)

CHAPTER 7.47

GARAGE/YARD SALES

Sections:

7.47.01	Definitions
7.47.02	Property permitted to be sold
7.47.03	Permit required
7.47.04	Permit procedure
7.47.05	Permit conditions
7.47.06	Hours of operation
7.47.07	Exceptions

7.47.08 Display of sale property
7.47.09 Display of permit
7.47.10 Advertising
7.47.11 Persons exempted from Ordinance
7.47.12 Violations and penalty

7.47.01 Definitions For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Yard/Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis.

(2) "Personal property' shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (Ord. No. 2018-03, Sec. 1.)

7.47.02 Property permitted to be sold It shall be unlawful for any person to sell or offer for sale, under authority granted by this Ordinance, property other than personal property. (Ord. No. 2018-03, Sec. 1.)

7.47.03 Permit required. No yard/garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the Code Enforcement Department. Members of more than one residence may join in obtaining a permit for yard/garage sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location. (Ord. No. 2018-03, Sec. 1.)

7.47.04 Permit procedure.

(1) Application. The applicant or applicants for a yard/garage sale permit shall file a written application with the Code Enforcement Department at least three (3) days in advance of the proposed sale setting forth the following information:

(a) Full name and address of applicant or applicants.
(b) The location at which the proposed yard/garage sale is to be held.
(c) The date or dates upon which the sale will be held

(d) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Issuance of permit. Upon the applicant complying with the terms of this ordinance, the Code Enforcement Department shall issue a permit. (Ord. No. 2018-03, Sec. 1.)

7.47.05 Permit conditions The permit shall set forth and restrict the time and location of such yard/garage sale. No more than four (4) such permits may be issued to one residential location, residence and/or family household during any calendar year. No more than four (4) permits may be issued for any nonresidential location during any calendar year. (Ord. No. 2018-03, Sec. 1.)

7.47.06 Hours of operation. Sales shall be limited in time to no more than 7:00 A.M. to 6:00 P.M. on three (3) consecutive days. (Ord. No. 2018-03, Sec. 1.)

7.47.07 Exceptions. If sale not held because of inclement weather. If a yard/garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Code Department shall issue another permit to the applicant for a yard/garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. (Ord. No. 2019-04, Sec. 1.)

7.47.08 Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard/garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (Ord. No. 2018-03, Sec. 1.)

7.47.09 Display of permit. Any permit in possession of the holder or holders of a yard/garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official. (Ord. No. 2018-03, Sec. 1.)

7.47.10 Advertising. Signs permitted. Only the following specified signs may be displayed in relation to a pending yard/garage sale:

1. Signs of not more than twenty four (24) inches by twenty four (24) inches shall be permitted to be displayed on the property of the residence or nonresidential site where the yard/garage sale is being conducted. Signs shall be self-supporting preferably be mounted on metal stanchions. Signs must clearly identify the address where sale is located and dates of sale.

2. Directional signs. not more than twenty four (24) inches by twenty four (24) inches each are permitted, provided that the premises on which the yard/garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed. Signs must clearly identify the address where sale is located and dates of sale

3. Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence

4. Removal of signs. Signs must be removed by sundown at the close of the yard/garage sale.

5. Penalty: Persons who fail to remove signs shall be subject to a penalty of twenty-five dollars ($25) per sign. (Ord. No. 2019-04, Sec. 2)

7.47.11 Persons exempted from Ordinance. The provisions of this Ordinance shall not apply to or affect the following:

1. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

2. Persons acting in accordance with their powers and duties as public officials.

3. Sales by charitable or religious organizations when the sale proceeds are used solely for charitable or religious purposes.

4. Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

5. Permit not required for businesses holding a city business license that conduct estate sales or auctions or during the city wide yard sale. (Ord. No. 2018-03, Sec. 1.)

7.47.12 Violations and penalty. Any person found guilty of violating the terms of this ordinance after being issued a warning from the code enforcement officer shall be subject to a penalty of up to twenty-five dollars ($25) for each offense, up to two (2) offenses. Each subsequent offense shall be subject to a penalty of two hundred and fifty dollars ($250.00) each. (Ord. No. 2018-03, Sec. 1.)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

8.04 Adoption of State Laws
8.08 Abandoned, Inoperable or Unlicensed Vehicles
8.12 Truck Routes
8.16 Traffic During Maintenance
8.20 Golf Carts

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

8.04.01 Adoption of state laws

8.04.01 Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas," as contained in Title 75 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer and are hereby adopted as traffic rules and regulations within and for the city of Horseshoe Bend, Arkansas. Except those provisions of said Uniform Act which by their terms could have no application to second class cities. Any person convicted of a violation of said statutes shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

CHAPTER 8.08

ABANDONED, INOPERABLE OR UNLICENSED VEHICLES

Sections:

8.08.01 Definitions
8.08.02 Keeping on public property prohibited
8.08.03 Penalty
8.08.04 Keeping on private property limited
8.08.05 Procedure when vehicle found on public property
8.08.06 Dealers excepted
8.08.07 Exception for vehicle being repaired or prepared for drag racing; permit
8.08.08 Lien upon vehicle for costs

8.08.01 Definitions

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

Open storage Open storage, for the purpose of this chapter, shall be interpreted to include a carport which has at least two (2) open sides.

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

Private property Private property, for the purpose of this chapter, shall be interpreted to mean any and all other property that is not classified as public.

8.08.02 Keeping on public property prohibited It shall be unlawful for any person, persons, firm, company or corporation to maintain, store or keep upon any public property, a junked, wrecked, inoperable or unlicensed vehicle as defined in this chapter.

8.08.03 Penalty Any violation of this chapter shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than Twenty-Five Dollars ($25.00) nor more than Fifty Dollars ($50.00) and each day such violation occurs shall be considered to be a separate offense.

8.08.04 Keeping on private property limited It shall be unlawful for any person to keep, maintain or store, junked, wrecked, inoperable or unlicensed vehicles, as defined in this chapter, upon private property in the open within the corporate limits of the city for a period of more than three (3) days.

8.08.05 Procedure when vehicle found on public property Whenever officers of the police department, street department, or any other designated persons, observe any such vehicles as defined in this chapter, placed or stored in the open upon public property, they shall file a written report with the police department, setting forth the location of said vehicle, its make or model, the license number and the name of the owner, if known. The police department shall notify the owner in writing to remove the vehicle within twenty-four (24) hours and in the event said vehicle is not removed, the police department is hereby authorized and directed to remove said vehicle and impound the same in accordance with the laws governing abandoned motor vehicles. In the event said motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the police department shall immediately remove said motor vehicle. The primary responsibility for the enforcement of this chapter is placed upon the police department. (Ord. No. 88-10, Sec. 2.)

8.08.06 Dealers excepted Nothing in this chapter is to be interpreted as preventing any licensed business dealing in any manner with any type of automobile from operating in a property zoned area.

8.08.07 Exception for vehicle being repaired or prepared for drag racing permit It is hereby further provided that nothing in this chapter is to be interpreted as preventing a person from keeping upon his private property one such inoperable motor vehicle as defined in this chapter for the purpose of making minor repairs or preparing and/or modifying a vehicle for the purpose of racing the same upon sanctioned drag strips or racecourses. In either of the situations mentioned above, the owner of said vehicle shall be permitted to obtain a permit from the police department or other designated persons allowing him to keep such an automobile upon his property for a period of three (3) months for the purposes stated aforesaid. Said permit may be extended for an additional three (3) months where necessary to complete construction or repairs.

8.08.08 Lien upon vehicle for costs The cost of investigation, towing, removal and storage of said motor vehicle shall constitute a lien upon said property from which it was removed not to exceed Twenty-Five Dollars ($25.00) and the City Attorney is hereby authorized and directed to take the necessary legal action to establish and perfect a lien against said property.

CHAPTER 8.12

TRUCK ROUTES

Sections:

8.12.01	Title
8.12.02	Designation of truck routes
8.12.03	Exceptions
8.12.04	Penalty for violations

8.12.01 Title This ordinance shall be known as the "Truck Route Ordinance."

8.12.02 Designation of truck routes Truck routes for all motor vehiclesdesignated or operated for the transportation of natural or manufactured goods, merchandise, equipment or property, proceeding through or traveling within the city limits for any reason are hereby designated as follows:

Arkansas State Highways #289 and #354

All such vehicles are hereby prohibited from using any other streets, alleys or roadways while proceeding through or traveling in the city for any reason. Truck routes shall be designated by truck route signs and may be further restricted by signs posted within the city restricting travel on certain streets. (Ord. No. 99-06, Sec. 1.)

STATE LAW REFERENCE - For State Law enumerating the general powers of cities with regard to regulation of traffic, See Ark. Code of 1987 Annotated, 14-54-103, 27-35-101, 102 and 103.

8.12.03 Exceptions This ordinance shall not prohibit:

A. Operation on street of destination. The operation of commercial trucks, the tractor or trailer of tractor/trailer trucks upon any street where necessary for the delivery or pick-up of goods, merchandise or equipment at a destination point, provided the truck route is used until reaching the intersection nearest the destination point. If requested by a policing authority, the driver must exhibit written documentation evidencing the date of delivery, a bill of lading and the address of his destination for any such pick-up or delivery evidencing that he is in compliance with this ordinance. Vehicles subject to the requirements of the truck route are not permitted to remain overnight in any residential area.

B. Emergency vehicles. The operation of emergency vehicles upon any street in the city when responding to a call for emergency services.

C. Public service and utilities. The operation of trucks owned or operated by the city, public utilities, contractor or material man, while engaged in the pick up of trash, the repair, maintenance or construction of streets, street improvements, or street utilities within the city.

D. Detoured trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

E. Common passenger vehicles. School, church, tour, and public transportation buses, private or commercial passenger vehicles, recreational vehicles, or campers. (Ord. No. 99-06, Sec. 2.)

8.12.04 Penalty for violation Any person violating any of the provisions of this ordinance shall be issued one warning citation. Any person violating any of the provisions of this ordinance after a warning has been issued shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for a first offense and not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) and up to ten days in jail for each subsequent offense. (Ord. No. 99-06, Sec. 3.)

CHAPTER 8.16

TRAFFIC DURING MAINTENANCE

Sections:

8.16.01 Authority to close streets
8.16.02 Unlawful to use closed street

8.16.01 Authority to close street The Public Works Commission of the city of Horseshoe Bend, Arkansas, shall have the authority to close any city street to traffic during such time as the Commission may deem necessary while maintenance, repairs or resurfacing is done thereon and may, during the time the street is closed, authorize the placing of suitable barricades and signs at each end of the portion of the street that is closed. (Ord. No. 86-4, Sec. 1.)

8.16.02 Unlawful to use closed street It shall be unlawful for any person to remove said barricades or to use or to attempt to use any section of the city street thus closed to traffic. (Ord. No. 86-4, Sec. 2.)

8.16.03 Penalty Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) and shall be liable to the city for any damage done. (Ord. No. 86-4, Sec. 3.)

CHAPTER 8.20

GOLF CARTS

Sections:

8.20.01	Purpose and Definition
8.20.02	Operation of carts
8.20.03	Prohibited streets
8.20.04	Equipment
8.20.05	Hours
8.20.06	Traffic laws
8.20.07	Fine

8.20.01 Purpose and Definition

A. **8.20.01 Purpose** The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by A.C.A 14-54-1410, as amended by Act 170, of 2013. This chapter applies whenever a golf cart is operated on any street, subject to those exceptions stated herein.

8.20.01 (a) Definition: A Golf Cart is defined to include a side by side utility vehicle (UTV) which must have all of the following: (1) a steering wheel; (2) side by side seating for at least 2 adults; (3) a width of at least 45 inches; (4) a seating height, for both driver and passenger, of at least 24 inches above the ground; (5) a total length of at least 88 inches and (6) a ground clearance of no less than 4.5 inches. (Ord. No. 2022, Sec. 1)

8.20.01 (b) Additional restrictions. The vehicle cannot be driven by anyone under the age of 16, without an adult relative being in the vehicle with the minor; and no vehicle may be driven in excess of posted speed limits. All other provisions and conditions of **8.20 et. seq** shall apply to the operation of said vehicles within City limits.

8.20.01 (c) Prohibited Streets and Other Areas: Owners of golf carts or UTV's side-by sides or any other vehicles shall not be operated on grassy areas such as city parks, city property, or residential property not owned by the operator. This restriction does not apply to non-motorized vehicles or personal vehicles such as wheelchairs or lawn mowers. (Ord. No. 2022-02, Sec. 2)

8.20.02 Operation of carts The vehicle may be operated upon streets of the city by any person at least sixteen (16) years of age. (Ord. No. 2022-02, Sec. 3)

8.20.03 Prohibited streets Owners of golf carts may not operate their golf carts on any city streets which are also designated as federal, state highways, or county roads. However, golf carts may cross federal, state highways or county roads. (Ord. No. 2013-2, Sec. 2.)

8.20.04 Equipment Golf carts operated upon city streets shall be equipped with a slow moving vehicle sign or an orange flag at the rear of the cart which extends a minimum of twelve (12) inches above the top of the cart. (Ord. No. 2013-2, Sec. 2.)

8.20.05 Hours Vehicles may be operated on city streets between dawn and dusk unless they are equipped with working headlights and taillights in which case may be operated on city streets at anytime. (Ord. No. 2022-02, Sec. 4)

8.20.06 Traffic laws The operator must conform to all traffic laws dealing with motorized vehicles. Violators will be cited in accordance with current law. (Ord. No. 2013-2, Sec. 2.)

8.20.07 Fine Any person, firm or corporation violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the District Court Horseshoe Bend Department, shall be fined no less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) for each offense and conviction. (Ord. No. 2013-2, Sec. 2.)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

9.04 Streets, Alleys, Gutters or Ditches
9.08 Excavations and Alterations
9.12 Crown Addition Municipal Street Improvement District
9.16 The Municipal Street Improvement District No. 87-1
9.20 House Numbers

CHAPTER 9.04

STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

9.04.01 Streets and alleys
9.04.02 Gutters or ditches
9.04.03 Permit
9.04.04 Approval of application for permit
9.04.05 Expense and approval of installations
9.04.06 Acting City Engineer
9.04.07 Penalty
9.04.08 Enforcement
9.04.09 1985 Official Map of city of Horseshoe Bend, Arkansas
9.04.10 Adoption as code
9.04.11 Effective date
9.04.12 Additions and amendments

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

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

9.04.03 Permit From and after the passage of this ordinance, it shall be unlawful for any person, firm or corporation to install a driveway approach or any other approach crossing a ditch or drainage area, without first obtaining a written permit from the city of Horseshoe Bend or its delegated agent. (Ord. No. 32, Sec. 1.)

9.04.04 Approval of application for permit All applications for permits shall be submitted to the Acting City Engineer, for approval, and applicant will submit all information requested by said engineer necessary for him to determine the type of installation required for the particular situation. (Ord. No. 32, Sec. 2.)

9.04.05 Expense and approval of installation Installation of a culvert, or other devices required by the particular situation, shall be at the expense of the property owner, and final completion shall be subject to the approval of the Acting City Engineer. If approval of the installation is denied, the property owner shall within ten (10) days move and/or repair the installation as the Acting City Engineer shall so direct. Failure to so remove or repair shall be a violation of this ordinance. (Ord. No. 32, Sec. 3.)

9.04.06 Acting City Engineer The Acting City Engineer for purposes of this ordinance shall be appointed by the Mayor with approval of the Council. (Ord. No. 32, Sec. 4.)

9.04.07 Penalty Anyone found to be in violation of the provisions of this ordinance shall be subject to a fine, not to exceed Twenty-Five Dollars ($25.00) and/or to thirty (30) days in jail. Each day's violation shall be considered a separate offense. (Ord. No. 32, Sec. 5.)

9.04.08 Enforcement The Acting City Engineer and the Building Commission shall be authorized to enforce the provisions of this ordinance. (Ord. No. 32, Sec. 6.)

9.04.09 1985 Official Map, city of Horseshoe Bend, Arkansas That the 1985 Official Map, city of Horseshoe Bend, Arkansas, shall consist of a five (5) page text and revised City Street Map as adopted, approved and recommended by the Street Map Revisions Committee at a public hearing on April 30, 1985 and certified to the City Council for its adoption and approval on May 10, 1985; that said five (5) page text and revised City Street Map, so certified by the Street Map Revisions Committee, be and the same is hereby adopted by reference in its entirety. (Ord. No. 85-5, Sec. 1.)

9.04.10 Adoption as code That the said 1985 Official Map, in its entirety, is adopted as a code pursuant to A.C.A. 14-55-207. That triplicate originals of same are on file in the office of the City Clerk of the city of Horseshoe Bend, Arkansas and shall be available for public inspection. (Ord. No. 85-5, Sec. 2.)

9.04.11 Effective date All provisions of the 1985 Official Map, city of Horseshoe Bend, Arkansas, shall be in full force and effect from and after the ninth (9th) day of October, 1985. (Ord. No. 85-5, Sec. 3.)

9.04.12 Additions and amendments Any and all additions and amendments to such Official Map, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the 1985 Official Map, city of Horseshoe Bend, Arkansas, shall be understood and intended to include such additions and amendments. (Ord. No. 85-5, Sec. 4.)

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01	Excavations - Permit
9.08.02	Application for permit - Deposit
9.08.03	Excavations to be restored

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

9.08.02 Application for permit - Deposit Any person, firm or corporation applying for said permit shall estimate, in writing, the number or cubic feet to be cut or tunneled. Before such permit is granted, the applicant shall deposit with the Recorder/Treasurer for the purpose of insuring that the street is properly restored the sum of Five Dollars ($5.00) per cubic foot for the cutting of concrete or bituminous surface and Two Dollars ($2.00) per cubic foot for the cutting of a gravel surface; provided, the minimum deposit shall be Twenty-Five Dollars ($25.00) irrespective of the estimate. (Ord. No. 89-3, Sec. 1.)

9.08.03 Excavations to be restored All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned. STATE LAW REFERENCE - A.C.A.14-301-101.

CHAPTER 9.12

CROWN ADDITION MUNICIPAL STREET IMPROVEMENT DISTRICT

Sections:

9.12.01	Established
9.12.02	Purpose
9.12.03	Name and commission
9.12.04	Assessment

9.12.01 Established There is hereby established an improvement district embracing the following described property: All of the real property located within Crown Addition in the city of Horseshoe Bend, Izard County, Arkansas, as reflected in Plat Book 1, Page 22 of the records on file in the office of the Circuit Court and Ex-officio Recorder of Izard County, Arkansas. (Ord. No. 84-4, Sec. 1.)

9.12.02 Purpose The purposes for which said Improvement District is established are as follows:

A. Grading and repairing of streets and ditches where necessary to assure proper drainage.

B. Bedding and patching streets prior to resurfacing.

C. Resurfacing approximately 3.2 miles of street, within the district, average width of twenty-two (22) feet.

D. Maintaining and repairing the above described streets. (Ord. No. 84-4, Sec. 2.)

9.12.03 Name and commission Said District shall be know as the CROWN ADDITION MUNICIPAL STREET IMPROVEMENT DISTRICT NO. 84-1 of the city of Horseshoe Bend, Arkansas; and Paul R. Russell, F.M. Truesdale, and A. Carole Williams, are hereby named Commissioners, who shall compose the Board of Improvement for said District. (Ord. No. 84-4, Sec. 3.)

9.12.04 Assessment The several blocks, lots and parcels of real property in said district heretofore created by Ord. No. 84-4 and known as Crown Addition Municipal Street Improvement District No. 84-1 be assessed according to the assessment list for said Improvement District as the same now remains in the office of the Recorder/Treasurer, and that six and sixty-seven hundredths percent (6.67%) of the assessment for each of said blocks, lot and parcels shall be collected by the County Collector on or before the 20th day of December, 1985, and six and sixty-seven hundredths percent (6.67%) of the assessment shall be collected with the first installment of general taxes becoming due more than five (5) months thereafter and annually thereafter with the first installment of general taxes until the whole of said local assessment shall be paid. (Ord. No. 85-8, Sec. 1.)

CHAPTER 9.16

THE MUNICIPAL IMPROVEMENT DISTRICT NO. 87-1

Sections:

9.16.01	Established
9.16.02	Purposes
9.16.03	Commissioners
9.16.04	Back taxes

9.16.01 Established There is hereby established by an Improvement District embracing the following described property: Property located within the corporate limits of the city of Horseshoe Bend, Counties of Izard, Fulton and Sharp, state of Arkansas, and

Specifically included the following Additions located therein:

05 Tract D	15 Valley View	28 Golf Park	38 Treasure Hills****
06 Tract E	16 Riverview	29 Pine Ridge*	43 Sleepy Hollow
07 Sequoia	17 Spring	32 Northshore	44 Edge Hill
08 Pioneer Park	18 Pioneer Village	31 Ben's Creek**	50 Business District
09 Fairway	20 Paradise Acres	33 Lynwood***	51 Crown View
10 Frontier	22 Green Valley	34 Emerald Cove	53 White Oak II
11 Cedar Glade	23 Lakeview	35 Southshore	55 Church and Professional
12 Woodland	24 Pleasant Valley	36 Diamond Cove	56 Science and Industry
13 Rolling Acres	25 Capitol	37 Scenic Acres	
14 White Oak	27 State		

*Includes only the following Lots in 29 Pine Ridge Addition: 15 - 16 - 17- 18 - 48 - 49 - 50 - 51 - 52 - 53 - 54 - 55 - 56 - 57 - 58 - 68 - 69 - 83 - 84 - 96 - 131 - 161 - 162 - 163 - 164 - 165 - 166 - 167 - 168 - 169 - 170 - 171 - 172 - 173 - 174 - 175 - 176 - 177 - 178 - 179 - 180 - 181 - 182 - 183 - 184 - 185 - 186 - 187 - 188 - 189 - 190 - 191 - 192 - 193 - 194 - 195 - 196 - 197 - 198 - 199 - 200 - 201 - 202 - 229 - 258 - 259 - 260 - 261 - 262 - 263.

**Includes only the following Lots in 31 Ben's Creek Addition: 77 - 78 - 79 - 80 - 81 - 82 - 83 - 84 - 85 - 86 - 87 - 88 - 89 - 152 - 153 - 154 - 155 - 156 - 157 - 158 - 159 - 160 - 161 - 167 - 168 - 169 - 170 - 309 - 310 - 311 - 328 - 329 - 330 - 331 - 332 - 333.

***Includes only the following Lots in 33 Lynwood Addition: 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 72 - 73 - 74 - 74 - 75 - 77 - 78 - 79 - 80 - 81 - 82 - 83 - 84 - 85 - 90 - 91 - 108 - 109 - 136 - 137 - 138 - 139 - 140 - 160 - 161 - 162 - 163 - 164 - 165 - 166 - 167 - 168 - 169 - 170 - 171 - 172 - 173 - 174 - 175 - 176 - 177 - 178 - 189 - 190 - 191 - 192 - 193 - 194 - 195 - 196 - 197 - 198 - 199 - 200 - 201 - 202 - 203 - 204 - 205 - 206 - 207 - 208 - 209 - 210 - 234 - 235 - 236 - 237 - 238 - 239 - 240 - 241 - 259 - 260 - 261 - 262 - 263 - 264 - 265 - 266 - 267 - 268 - 269 - 270 - 271 - 272 - 273 - 274 - 275 - 276 - 277 - 278 - 279 - 280 - 281 - 282 - 283 - 284 - 285 - 307 - 308 - 313 - 314- -315 - 316 - 317 - 328 - 319 - 320 - 325 - 326 - 331 - 332 - 333 - 334 - 420 - 421 - 422 - 423 - 424 - 425 - 426 - 427 - 428 - 429 - 430 - 475 - 476 - 477 - 478 - 479 - 480 - 481 - 482 - 483 - 484.

****Includes only the following Lots in 38 Treasure Hills Addition: 1 - 2 - 3 - 4 - 50 - 399 - 400 - 410 - 402 - 416 - 417 - 418 - 419 - 420 - 421 - 422 - 423 - 424 - 425;

The above listed lots border previously paved streets.

Specifically including all unplatted lands lying therein in which previously paved streets service any of the additions in the district, but specifically excluding the following additions located therein: 01 Tract A, 02 Tract B, 03 Tract B. Mobile, 04 Tract C, 19 Settlers Parks, 21 Crown, 30 Frontier Manor, 39 Hillcrest, 40 Greenbriar, 41 Forrest Heights, 42 Timber Ridge, 45 Executive, 46 Whitehouse, 47 Venture, 48 Skyview, 49 Meadowhill, 52 Crown View II, 54 Business/ Industrial. (Ord. No. 87-4, Sec. 1.)

9.16.02 Purposes The purposes for which said Improvement District is established are as follows:

A. Regrading and repairing of all ditches along streets within the district, exclusive of driveway culverts.

B. Rebedding and patching prior to resurfacing and resurfacing of all streets within the District as required.

C. Maintaining all streets within the district exclusive of driveway culverts.

D. Any and all matters in connection with the above purposes. (Ord. No. 87-4, Sec. 2.)

9.16.03 Commissioners Said District shall be known as the MUNICIPAL STREET IMPROVEMENT DISTRICTNO. 87-1 of the City of Horseshoe Bend, Arkansas, and Harold Quintilana, Hurshall E. Boyd and Frank E. Walbrink are hereby named commissioners who shall compose the Board of Improvement for said district, said Appointees shall be appointed for terms of one (1), two (2) and three (3) years respectively and upon the expiration of each term and each succeeding term, and appointment of a successor shall be made in like manner for a reappointment at the discretion of the City Council. (Ord. No. 87-04, Sec 3)

CHAPTER 9.20

HOUSE NUMBERS

Sections:

9.20.01	Required
9.20.02	Visibility
9.20.03	Size
9.20.04	Deadlines for installation
9.20.05	Penalty

9.20.01 Required All buildings, house and domiciles located in the City of Horseshoe Bend will be required to display the correct house or address numbers on the side of the building, house, domicile or dwelling that faces the street of address. (Ord. No. 90.-02, Sec 1)

9.20.02 Visibility The required house numbers must be displayed in such a manner so as to be visible from the street of address so as to be visible to emergency crews at all times. (Ord. No. 90-02, Sec 2)

9.20.03 Size The required house numbers must be at least three (3) inches high and be conventional numbers. Roman numerals or script will not constitute a legal house number. Reflective numbers are permitted and desired. (Ord. No. 90-02, Sec. 3)

9.20.04 Deadlines for installation House numbers, as required by this ordinance, must be installed no more than ninety (90) days subsequent to passage of the ordinance or in the case of new construction, no more than ninety (90) days after the certificate of occupancy is issued. (Ord. No. 90-02, Sec. 4.)

9.20.05 Penalty Failure to comply with the provisions of this ordinance shall constitute a misdemeanor and will be subject to t fine of no less than Twenty-Five Dollars ($25.00). (Ord. No. 90-02, Sec. 5.)

TITLE 10

WATER AND SEWER

Chapters:

10.02 Water Commission
10.04 Sewer Committee
10.05 Utility Billing Procedure
10.08 Limitation of Times for Lawn and Garden Watering and/or Irrigation
10.12 Water Rates
10.16 Cross-Connection Control Program
10.20 Extension of Water and Sewer Mains
10.24 Identity Theft Prevention Program

CHAPTER 10.02

WATER COMMISSION

(Repealed by Ord. No. 0-84-1)

CHAPTER 10.04

SEWER COMMITTEE

Sections:

10.04.01 Rates and Classifications

10.04.01 Rates and Classifications That there are hereby established the following rates and charges for the use and service rendered by the sewer works of the City of Horseshoe Bend, Arkansas:

Effective Date	Class	Monthly Rate
	Residential and Commercial	
April 1, 2020	Minimum Charge 0 to 1,000 gallons	$19.50
	Over 1,000 gallons	$ 2.75 per 1,000 gallons

Sequoia Fairway, Green Valley & Golf Park Additions	Minimum Charge 0 to 1,000 gallons	$23.50
	Over 1,000 gallons	$ 2.75 per 1,000 gallons

Summer Sewer rates, for residential customers who water lawns and gardens with city water during the months of May through September, inclusive, shall be as follows:

The monthly sewer rate to be charged each residential customer for sewer services to be rendered for each month during the months of May through September, inclusive, shall be the equivalent of the charge for residential sewer services rendered to such customer for the month of March during the year that the credit is requested. To qualify for the summer sewer rates, each customer who waters lawns and gardens with city water for the months of May through September, inclusive, shall apply in writing before May 31 at the City Hall and certify that said water is used to water lawns and gardens and is not processed in the city sewer system. (Ord. No. 2019-01, Sec. 1)

The monthly rates will rise annually on the first day of January according to the following schedule and without any additional action by city Council:

Minimum bill shall increase annually by $1.00; and $.25 per 1,000 gallons over the minimum of 1,000 gallons. (Ord. No. 2019-01, Sec. 2)

10.04.01 Rates and classifications That there are hereby established the following rates and charges for the use of and the service rendered by the sewer works of the city of Horseshoe Bend, Arkansas :

Residential and Commercial		**Monthly Rate**
April 1, 2014	Minimum charge 0 – 1,000 gallons	$16.00
	Over 1,000 gallons	$2.50 per 1,000 gallons
January 1, 2015	Minimum charge 0 – 1,000 gallons	$17.00
	Over 1,000 gallons	$2.50 per 1,000 gallons
January 1, 2016	Minimum charge 0 – 1,000 gallons	$18.50
	Over 1,000 gallons	$2.50 per 1,000 gallons

New addition in Sequoia, Fairway, Green Valley and Golf Park additions at time service is started:

Minimum charge 0 – 1,000 gallons	$22.50
Over 1,000 gallons	$2.50 per 1,000 gallons
(Ord. No. 2013-6, Sec. 1.)	

Summer sewer rates Summer sewer rates for residential customers who water lawns and gardens with city water during the months of May through September, inclusive, shall be as follows:

The monthly sewer rate to be charged each residential customer for sewer services to be rendered for each month during the months of May through September, inclusive, shall be the equivalent of the charge for residential sewer services rendered to such customer for the month of March during the year that the credit is requested. To qualify for the summer sewer rates, each customer who waters lawns and gardens with city water for the months of May through September, inclusive, shall apply in writing before May 31 at the City Hall and certify that said water is used to water lawns and gardens and is not processed in the city sewer system. (Ord. No. 2013-6, Sec. 1.)

Minimum sewer service charge When a customer requests water turn off - Five Dollars and Fifty Cents ($5.50) per month. (Ord. No. 98-04, Sec. 1)

Sewer tap fee The fee to be charged to a customer by the Horseshoe Bend Sewer Department for connecting to the sewer system shall be Two Hundred Fifty Dollars ($250.00.)

Lateral line fee All construction work for a tap into the sewer system shall be done by the city of Horseshoe Bend at the rate of Fifty Dollars ($50.00) per hour for each piece of

construction equipment used plus costs of materials used and a 15% overhead charge on the total statement of charges. The city shall require a bond executed by the customer with good and sufficient sureties to assure compliance with this ordinance. All work done by the city shall be outside the property owner's boundaries. (Ord. No. 97-20, Secs. 2-4.)

Penalties for unlawful tap or other failure to comply (See Chapter 10.05.)

CHAPTER 10.05

UTILITY BILLING PROCEDURE

Sections:

10.05.01	Billing Procedures
10.05.02	Tampering
10.05.03	Unlawful Connections
10.05.04	Theft of Services A.C.A. §5-36-104

10.05.01 Billing Procedures

Accounts. All accounts shall be carried in the name of the property owner who personally, or by his or her authorized agent, applied for such service.

Billing. Water, sewer, and other utility service charges shall be billed on one bill as applicable to each account. All charges for water, sewer and other utility service, shall be due on the tenth of the month and considered past due after the tenth day of the month. A 10% late fee will be assessed to the account at that time. Bills shall be mailed, (except individuals who signed up for paperless billing), to the customers on or around the twentieth of each month, and specify the water, sewer, and other utility services charges in accordance with the current fee schedule set by ordinance of the City Council.

Refuse. All properties connected to the city water system will be charged for refuse pick-up.

Utility Rate Schedule. The utility rate schedule shall be adopted by a separate ordinance of the City Council.

Usage. The water department will notify the customer immediately upon becoming aware of above normal monthly usage.

Delinquent Accounts

a. **Shut-off for nonpayment**. City utility services shall not be shut-off until notice is either mailed or provided to the occupant and owner of the premises involved. Water, Garbage or both services can be discontinued due to delinquent accounts.

If any bill is past due on the monthly due date listed on the bill, a shut-off notice will be mailed to the customer stating that if payment is not made within ten days of the receiving the shut-off notice, service to the premises will be shut off for nonpayment. Failure to receive a bill or past due notice shall not relieve the responsibility to pay.

Once services have been shut off they may not be turned on again until full payment and reconnect fee have been paid.

b. **Temporary Occupancy**
Any property owner that leaves for the winter or is out of town for period of time, but still has permanent residency in Horseshoe Bend will be billed all minimum monthly rates except for garbage unless shut off by the city. The monthly minimums are set to cover operating costs of the city utility services. The owner is to let the city office know of times when the owner will be gone.

c. **Payment Options**
City utility bills can be paid for by cash, money order, check, credit/debit card, ACH, or on-line payments. Payments can be mailed or dropped off at the city office. A drop off site will be provided for afterhours payments at the city office. No two-party or payroll checks will be accepted for payments.

d. **NSF Checks**
For accounts on which a NSF check is received, the City of Horseshoe Bend shall notify the customer immediately by mail that a check has been dishonored by the bank upon which it was drawn. Payment by cash, certified check or money order shall be required within five (5) days of the notice and demand for payment of a dishonored check. A $20.00 service charge will be added for each NSF check returned.
If three (3) or more returned checks (NSF) are from the same customer within a twelve-month period, that customer shall be required to make all future payments in "cash or cashier's check only" until such customer has made twelve (12) consecutive "on time" payments. (Ord. No. 2019-3, Sec. 2.)

10.05.02 Tampering Any person, firm or corporation that damages a meter, device or other equipment controlling or regulating the supply of any municipal utility service shall be charged a service charge of seventy five dollars ($75.00) in additional to any other applicable fees. Where water has been turned off by the water department for any reason, no person except authorized employees or agents of the water department, shall turn it on again. Whenever this section is violated, the water department may shut the water off at the corporation cock at the main, and the owner shall pay in advance double the established rate for water used in violation of this section, in addition to the entire expense incurred by the water department for doing this work, before the water may be turned on again. (Ord. No. 2019-3, Sec. 3.)

10.05.03 Unlawful Connections Any person firm or corporation who shall make any connection or otherwise avail themselves of a municipal utility service without making proper application and connection for said service shall be charged a service charge of one hundred dollars ($100.00) in addition to all other connection or reconnection fees and penalties. (Ord. No. 2019-3, Sec. 4.)

10.05.04 Theft of Services A.C.A. §5-36-104

(a) A person commits theft of services if with the purpose to defraud:

(1) The person purposely obtains a service that he or she knows to be available only for compensation, by deception, threat, or other means to avoid payment for service: or

(2) Having Control over the disposition of a service to which he or she is not entitled, the person purposely diverts the service to his or her own benefit or to the benefit of another person not entitled to the service.

(b) In a circumstance in which payment is ordinarily made immediately upon the rendering of a service, absconding without payment or offer to pay gives rise to a presumption that the actor obtained the service with the purpose of avoiding payment. (Ord. No. 2019-3, Sec. 5.)

CHAPTER 10.08

LIMITATION OF TIMES FOR LAWN AND GARDEN WATERING AND/OR IRRIGATION

Sections:

10.08.01	Authorization to establish restrictions
10.08.02	Publication
10.08.03	Penalties
10.08.04	Variance

10.08.01 Authorization to establish restrictions The city of Horseshoe Bend Water Department is hereby authorized to establish times, hours and conditions under which water sprinkling devices, garden watering, irrigation and/or lawn watering may or may not be employed in the city of Horseshoe Bend, Arkansas, during the months of May through October, such times and conditions to be subject to review of the city of Horseshoe Bend Water Department. (Ord. No. 81-5, Sec. 1)

10.08.02 Publication The city shall cause to be published in some newspaper of general circulation in the city by one (1) insertion the times, hours and conditions promulgated pursuant to this chapter and from time to time may publish amendments to said times, hours and conditions as are appropriate under the circumstances.

10.08.03 Penalties Violation of the provisions of this ordinance shall be punishable by a fine not to exceed Twenty-five Dollars ($25.00), with each day constituting a separate offense.

10.08.04 Variance A variance from the restrictions imposed pursuant to this ordinance may be obtained upon a showing of necessity, with approval of the city of Horseshoe Bend Water Department. (Ord. No. 81-5, Sec. 1)

CHAPTER 10.12

WATER RATES

Sections:

10.12.01	Monthly water rates
10.12.02	Meter deposit
10.12.03	Reconnection charge
10.12.04	Connection and water tap charges

10.12.01 Monthly water rates Effective upon adoption, for each water meter connected to and served by the City of Horseshoe Bend, Arkansas, water charges shall be:

0 to 1,000 gallons	$14.25 Minimum Charge (plus tax)
Next 2,000 gallons	$ 3.75 per 1,000 gallons (plus tax)
Next 2,000 gallons	$ 3.25 per 1,000 gallons (plus tax)
Over 5,000 gallons thereafter	$ 3.00 per 1,000 gallons (plus tax)

The monthly rates will rise annually on the first day of January according to the following schedule and without any additional action by the city Council:

Minimum bill shall increase annually $1.00 for the first 1000 gallons;
$.25 per 1,000 gallons for the next 2000 gallons;
$.25 per 1,000 gallons for the next 2000 gallons; and
$.25 per 1,000 gallons for all in excess of 5,000 gallons.

These rates shall be reviewed annually during the budget preparation process to assure adequate reserves and adequate funds for operation and maintenance costs. The city council will waive the annual rate increase if adequate funds are in reserve. (Ord. No. 2017-01, Secs. 1-2.)

10.12.02 Meter deposit Each home owner and each renter who hereafter connects with the system shall pay a meter deposit as follows:

Service with water only	$100.00
Service with water & sewer	$150.00 (Ord. No. 2012-7, Sec. 2.)

10.12.03 Reconnection charge In the event any premises are disconnected, the customers concerned prior to reconnection shall pay all delinquent charges together with a reconnection charge of One Hundred Dollars ($100.00) for each reconnection of any premises to the system. The customer shall have the option whenever he or she plans an extended length of time away from their premises to retain the water service and pay the minimum monthly charge or in the alternative, to order the service disconnected during such time they are away and pay the One Hundred Dollar ($100.00) reconnection charge upon their return. (Ord. No. 89-04, Sec. 2)

10.12.04 Connection and water tap charges

Connection fee for existing service	$25.00
New water tap	
¾" service	$350.00 plus tax
1" service	$500.00 plus tax
Service larger than 1"	Actual cost, plus 20%

(Ord. No. 2012-7, Sec. 2.)

CHAPTER 10.16

CROSS-CONNECTION CONTROL PROGRAM

Sections:

10.16.01	Intent
10.16.02	Purpose
10.16.03	Definitions
10.16.04	Operating criteria
10.16.05	Facilities requiring backflow protection
10.16.06	Approval of backflow prevention devices
10.16.07	Non-compliance
10.16.08	Ownership
10.16.09	Installation and costs
10.16.10	Testing and maintenance

10.16.01 Intent In Compliance with the State of Arkansas *Rules and Regulations Pertaining to Public Water* Systems, Section VII.E, the City of Horseshoe Bend finds it necessary for the health, safety and welfare of the people served by the water division of the city utilities department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code and its latest revisions under which the city operates. This Ordinance pertains to commercial and industrial establishments only. Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this ordinance except where they fall under the purview of the Arkansas State Plumbing Code. (Ord. No. 97-02, Sec. 1.)

10.16.02 Purpose The purposes of this ordinance are:

A. To provide for the protection of the public potable water supply.

B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and

C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 97-02, Sec. 2.)

10.16.03 Definitions

Backflow shall mean a hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.

Backflow preventer shall mean a device or means to prevent backflow.

Double-Check Valve Assembly (DC) means a complete assembly meeting applicable AWWA Standards and the requirements of the *Arkansas State Plumbing* Code consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four (4) properly placed resilient seated test cocks.

Reduced-Pressure Principle Backflow Prevention Assembly (RP) means a complete assembly meeting applicable AWWA Standards and the requirements of the *Arkansas State Plumbing Code* consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient-seated test cocks. (Ord. No. 97-02, Sec. 3.)

10.16.04 Operating criteria The City Water Department's *Cross-Connection Control Program Handbook of Policies and Procedures* is hereby incorporated into this Ordinance by reference. It is the primary responsibility of the water purveyor and/or the City of Horseshoe Bend to evaluate the hazards inherent in supplying a consumer's water system; i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premise, the consumer shall be required to install an approved backflow prevention assembly at each public water service connection to the premise in accordance with this Ordinance's requirements. The type of device shall depend on the degree of hazard involved. The degree of hazard shall be as described in AWWA Manual M-14 or as described below. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the water purveyor and/or the City of Horseshoe Bend after physical inspection of the hazard.

In the case of any premise where there is an auxiliary water supply, the public water system shall be protected from the possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.

In the case of any premise where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double-check valve assembly.

In the case of any premise 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 reduced-pressure principle backflow prevention assembly (RP).

In case of any premise where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) at the service connection.

In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principle backflow prevention assembly (RP) at the service connection. (Ord. No. 97-02, Sec. 4.)

10.16.05 Facilities requiring backflow protection The following is a partial list of facilities which may require reduced-pressure principal backflow prevention assemblies (RP) at the service connection. Requirements are based upon the degree of hazard afforded the public potable water system.

1. Automatic car washes.
2. Auxiliary water systems.
3. Exterminators.
4. Facilities with boilers or chilled water systems.
5. Fire systems containing chemicals.
6. Hospitals, medical clinics, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes.
7. Irrigation systems and lawn sprinkler systems.
8. Laboratories (industrial, commercial, photography, medical and school.)
9. Commercial laundries.
10. Radiator and battery shops.
11. Restricted, classified or other facilities closed to inspection.
12. Sand, gravel and concrete plants.
13. Wastewater treatment plants, pump stations and storm water pumping facilities.
14. Marinas and dockside facilities.
15. Commercial swimming pools.
16. Commercial poultry farms and commercial farms using pesticides and herbicides.
17. Establishments holding livestock for sale or slaughter.
18. Others (with suspected high hazards)

The following is a partial list of facilities which may require double check valve assemblies:

1. Apartment buildings.
2. Beauty parlors and barber shops.
3. Hotels and motels.
4. Restaurants, cafeterias, fast-food marts and other food handling facilities

5. Tall buildings,
6. Fire sprinkler systems (without chemicals).
7. Others (with suspected medium hazards.) (Ord. No. 97-02, Sec. 5.)

10.16.06 Approval of backflow prevention devices Any backflow prevention assembly required herein shall be a type in compliance with applicable AWWA Standards and the *Arkansas State Plumbing Code.* (Ord. No. 97-02, Sec. 6.)

10.16.07 Non-compliance

A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service will be discontinued by the water purveyor and/or superintendent.

B. No water service connection shall be installed on the premises of any consumer unless the potable water system is protected as required by this Ordinance.

C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the City of Horseshoe Bend if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor and/or superintendent.

D. Upon discovery of a violation of this Ordinance, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the administrative authority for action.

E. For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or the City of Horseshoe Bend, the State Health Department, and/or plumbing inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent, the State Health Department, and/or plumbing inspector for the purpose stated herein.
(Ord. No. 97-02, Sec. 7.)

10.16.08 Ownership The consumer shall purchase, own and maintain all backflow prevention assemblies installed at the point of delivery to the consumer's water system. (Ord. No. 97-02, Sec. 8.)

10.16.09 Installation and costs Customers of the city water department requiring backflow prevention devices shall pay all costs associated with installation of the appropriate size and type of device under private contract. New installations shall be completed prior to the "final" plumbing inspection so that the device can be included as part of the inspection. Assemblies shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than 12 inches nor more than 30 inches above ground. (Ord. No. 97-02, Sec. 9.)

10.16.10 Testing and maintenance The consumer will be responsible for the annual testing of the backflow prevention assembly by contract with a certified backflow assembly tester. The consumer will annually furnish water purveyor and/or city with a certificate of such satisfactory testing be the anniversary date of the installation of the assembly. In instances where the water purveyor, city and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by the consumer. Any maintenance fees required as a result of inspections or testing shall be paid by the consumer through private contract. Records of inspection, testing or repairs shall be kept by the water purveyor and/or city and made available to the State Health Department. (Ord. No. 97-02, Sec. 10.)

CHAPTER 10.20

EXTENSION OF WATER AND SEWER MAINS

Sections:

10.20.01	Payment
10.20.02	Installation
10.20.03	Cost advancement method
10.20.04	Fee

10.20.01 Payment all water and sewer main extensions in excess of 500 feet shall be paid for by the party requesting the extension. (Ord. No. 2006-6, Sec. 1.)

10.20.02 Installation All water and sewer main extensions shall be installed, or authorized to be installed, by the Public Works Manager. The final decision as to location and priorities of the new construction for water and sewer mains shall be decided by the Public Works Manager. (Ord. No. 2006-6, Sec. 2.)

10.20.03 Cost advancement method Water and sewer main extensions shall be financed by cost advancements when deemed advisable by the Public Works Manager. In general, the cost advancement method shall be used only when application is made for public water or sewer service which would require the extension of mains through sparsely occupied areas to serve such applicant or through areas which in the judgment of the Public Works Manager are unlikely to develop in the next ten years. Where extensions are authorized on a cost advancement basis, the procedure shall be as follows:

A. The applicant shall deposit with the city Recorder/Treasurer a sum sufficient to pay the total estimated cost of the extension, less unapportionable costs, if any.

B. Such deposit shall be made before construction is started or contracted. If the actual apportionable cost is less than the amount deposited, the excess of the deposit over the cost shall be refunded to the applicant within 30 days after payment for the completed project. If the apportionable cost exceeds the deposit, the applicant shall pay the deficiency prior to the granting of water or sewer service.

C. No extensions of water or sewer mains will be made unless a building permit has been applied for and issued. (Ord. No. 2006-6, Sec. 3.)

10.20.04 Fee Applicants for water and/or sewer service that would utilize service from the water and/or sewer main extension paid for by the first applicant would be assessed a fee proportionate to the number of city lots or feet in that part of the extension. This would be refunded to the original applicant. This section applies as long as the original applicant owns said property of five (5) years from water service date. (Ord. No. 2006-6, Sec. 4.)

CHAPTER 10.24

IDENTITY THEFT PREVENTION PROGRAM

Sections:

10.24.01 Identity program

10.24.01 Identity program

A. Findings The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

B. Amendment The code of ordinances are hereby amended, by adding a new Chapter under Title 10, entitled Identity Theft Prevention Program, as is more particularly set out in Exhibit A.

C. Implementation All procedures and requirements of the Identity Theft Prevention Program shall be implemented as outlined in Exhibit A.
(Ord. No. 2009-5, Secs. 1-3.)

EXHIBIT "A" TO TITLE 10 WATER AND SEWER

Identity Theft Prevention Program

Chapter 1: Identity Theft Prevention Program.
Sec. 1.1 Short Title.
Sec. 1.2 Purpose.
Sec. 1.3 Definitions.
Sec. 1.4 Findings.
Sec. 1.5 Process of Establishing a Covered Account.
Sec. 1.6 Access to Covered Account Information.
Sec. 1.7 Credit Card Payments.
Sec. 1.8 Sources and Types of Red Flags.
Sec. 1.9 Prevention and Mitigation of Identity Theft.
Sec. 1.10 Updating the Program.
Sec. 1.11 Program Administration.
Sec. 1.12 Outside Service Providers.

Chapter 2: Treatment of Address Discrepancies.
Sec. 2.1 Short title.
Sec. 2.2 Purpose.
Sec. 2.3 Definitions.
Sec. 2.4 Treatment of Address Discrepancies.
Sec. 2.5 Furnishing Consumer's Address to Consumer Reporting Agency.
Sec. 2.6 Methods of Confirming Consumer Address.

CHAPTER 1. IDENTITY THEFT PREVENTION PROGRAM.

Section 1.1 Short Title. This Title shall be known as the "Identity Theft Prevention Program."

Section 1.2 Purpose. The purpose of this Title is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

Section 1.3 Definitions. For purposes of this Title, the following definitions apply:

(a) 'City' means the City of Horseshoe Bend

(b) Covered account means An account that a creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility

mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

(c) Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

(d) Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies. For the purposes of this Title, the City is a creditor.

(e) Customer means a person that has a covered account with a creditor.

(f) Department Head means any department Head who works at the discretion of the City, any elected official or any individual appointed to manage a department on a permanent or temporary basis.

(g) Identity theft means a fraud committed or attempted using the identifying information of another person without authority.

(h) Person means a natural person, a corporation, City or City subdivision or agency, trust, estate, partnership, cooperative, or association.

(i) Personal Identifying Information means a person's credit card account information, debit card information, and bank account information and for a natural person includes their social security number, mother's birth name, drivers license information and date of birth.

(j) Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

(k) Service provider means a person that provides a service directly to the City.

Section 1.4 Findings.

(1) The City is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

(2) Covered accounts offered to customers for the provision of City services include water and sewer.

(3) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and other services have been identified as potential processes in which identity theft could occur.

(4) The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts.

(5) The City determines that there is a low risk of identity theft occurring in the following ways, (if any):

a. Use by an applicant of another person's personal identifying information to establish a new covered account;

b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;

c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts; and

d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

Section 1.5 Process of Establishing a Covered Account. As a precondition to opening a covered account with the City, each applicant shall provide the City with personal identifying information of the customer as follows: a valid State issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account with written confirmation of being the authorized agent for the entity. Such applicant shall also provide any other information necessary for the department providing the service for which the covered account is created. Such information shall be entered directly into the City's computer system and/or held in a secure storage area with access limited to those City personnel with the need to know.

Section 1.6 Access to Covered Account Information.

(1) Access to any customer account that includes personal identifying information shall be password protected and shall be limited to authorized City personnel.

(2) Such password(s) shall be changed on a regular basis

(3) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the appropriate Department Head and the password changed immediately.

(4) Personal identifying information included in customer accounts is considered confidential and any request or demand that specifically asks for such information shall be immediately forwarded to the Mayor.

Section 1.7 Credit Card Payments.

The Utility does not accept credit card payments.

Section 1.8 Sources and Types of Red Flags. All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

(1) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

a. A fraud or active duty alert that is included with a consumer report;

b. A notice of credit freeze in response to a request for a consumer report;

c. A notice of address discrepancy provided by a consumer reporting agency;

d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(2) Suspicious documents. Examples of suspicious documents include:

a. Documents provided for identification that appear to be altered or forged;

b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

c. Identification on which the information is inconsistent with information provided by the applicant or customer;

d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or

e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

(3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:

   - The address does not match any address in the consumer report; or

   - The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third party sources used by the financial institution or creditor.

d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

e. The SSN provided is the same as that submitted by other applicants or customers.

f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

a. Shortly following the notice of a change of address for an account, the City receives a request for the addition of authorized users on the account.

b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

   - The customer fails to make the first payment or makes an initial payment but no subsequent payments.

c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

   - Nonpayment when there is no history of late or missed payments;

   - A material change in purchasing or spending patterns;

d. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors.

e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

f. The City is notified that the customer is not receiving paper account statements.

g. The City is notified of unauthorized charges or transactions in connection with a customer's account.

h. The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft relating to covered accounts

Section 1.9 Prevention and Mitigation of Identity Theft.

(1) In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to their Department

Head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to their Department Head, who may in his or her discretion determine that no further action is necessary. If the Department Head in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Department Head:

a. Contact the customer;

b. d. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;

c. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or

d. Take other appropriate action to prevent or mitigate identity theft.

(2) In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to their Department Head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to their Department Head, who may in his or her discretion determine that no further action is necessary. If their Department Head in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by their Department Head:

a. Request additional identifying information from the applicant;

b. Deny the application for the new account;

c. Notify law enforcement of possible identity theft; or

d. Take other appropriate action to prevent or mitigate identity theft.

Section 1.10 Updating the Program. The city council shall annually review and, as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the

safety and soundness of the city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program

(1) The City's experiences with identity theft;

(2) Updates in methods of identity theft;

(3) Updates in customary methods used to detect, prevent, and mitigate identity theft;

(4) Updates in the types of accounts that the City offers or maintains; and

(5) Updates in service provider arrangements.

Section 1.11 Program Administration. The Department Head is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration.

(1) The Department Head will report to the City Council at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

a. The effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

b. Service provider arrangements;

c. Significant incidents involving identity theft and management's response; and

d. Recommendations for material changes to the Program.

(2) The Department Head is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Department Head shall exercise his or her discretion in determining the amount and substance of training necessary.

Section 1.12 Outside Service Providers. In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts the Department Head shall exercise his or her discretion in reviewing such arrangements in

order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft."

CHAPTER 2. TREATMENT OF ADDRESS DISCREPANCIES.

Section 2.1

Short Title. This Title shall be known as Treatment of Address Discrepancies.

Section 2.2 Purpose. Pursuant to 16 CFR § 681.1, the purpose of this Title is also to establish a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy.

Section 2.3 Definitions. For the purposes of this Title, the following definitions apply:

(a) Notice of address discrepancy means a notice sent to the City by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the City of a substantial difference between the address for the consumer that the City provided to request the consumer report and the address(es) in the agency's file for the consumer.

(b) City means the City of Horseshoe Bend.

Section 2.4 Treatment of Address Discrepancies. In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the City service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

(1) Compare the information in the consumer report with:

a. Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules

b. b. Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or

c. Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or

(2) Verify the information in the consumer report with the consumer.

Section 2.5 Furnishing Consumer's Address to Consumer Reporting Agency.

(1) In the event that the City reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

a. The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;

b. The City establishes a continuing relation with the consumer; and

c. The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

(2) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.

Section 2.6 Methods of Confirming Consumer Addresses. The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

(1) Verifying the address with the consumer;

(2) Reviewing the City's records to verify the consumer's address;

(3) Verifying the address through third party sources; or

(4) Using other reasonable processes."

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 2023-09

AN ORDINANCE TO AMEND CITY CODE CHAPTER 11.04.02

WHEREAS, the City of Horseshoe Bend has the authority to regulate and enact laws concerning the City Code pursuant to Horseshoe Bend City Code section 1.24.01, and

WHEREAS, the city code includes a building code,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Horseshoe Bend, Arkansas:

SECTION 1: That section 11.04.02 of the Horseshoe Bend Municipal Code is hereby amended to read as follows.

11.04.02 Exception to Building Code The following exceptions are made to the International Building Code:

A. In sections 301, 302, and 303, the "Building Committee" shall replace the "Building Official" regarding the procedures set out in these sections including submission of plans, approval, and issuance of permits.

B. The following fees shall apply to the issuance of building permits:

With regard to New Construction of Residential one- and two-story dwellings, including sheds/ detached garages and shops, the permit fee shall be $0.30 per square foot of new construction.

With regard to New Construction of Commercial/Industrial Construction, the permit fee shall be $0.60 per square foot of new construction.

All New Construction will be assessed a construction surcharge that is payable to the State of Arkansas. The tax rate is $.000475 and will be applied to the total construction value.

Remodels and Misc. Building projects will include initial and final inspections. Some remodel/misc. building projects may require additional Specialty Inspections (example hvac, plumbing, electrical). Your issued building permit will inform you of any specialty inspections required by IRC (International Residential Code) or IBC (International Building Code) based on the scope work of permit.

Remodels and Misc. Building projects include but are not limited to bath, kitchen, and bedroom remodels, moving structure, or adding or removing a wall, prefab storage sheds, home additions, re-siding the whole house, new decks, roofs, fences, concrete work, pools, etc. Inspections are based on estimated value of work.

Remodels and Misc. Building Projects will include a permit fee of:

Minimum ($0-$999.99)	$50.00
$1,000.00-$49,999.99	$100.00
$50,000-$99,999.99	$200.00
$100,000.00 and over	0.05% of estimated value
Specialty Inspections	See Appendix 1&2 for fees

Permits shall be valid for one (1) year but may be renewed for an additional six (6) months with Committee approval for fifty dollars ($50.00) The above schedule of fees shall not apply to mobile homes nor shall the fee for mobile homes based on a footage basis. The charge for installing a mobile home shall be seventy-five dollars ($75.00) and for removing it will be fifty ($50.00). (Ord. No 98-2, Sec.1)

1. With the exception of mobile homes, the moving of any building or structure from its current location will require a permit. The person or business moving the building or structure will be liable for any damage caused by the move, including, but not limited to damage to city roads. The mover must also obtain any necessary highway permits, if required, and present a bond.
2. The demolition of any building or structures will require a permit and a deposit of one thousand dollars ($1,000.00) to be refunded upon completion of the final inspection. If not fully removed an additional fee incurred by the City will be charged.
3. It will be the responsibility of the contractor or property owner to schedule the final inspection. (Ord. No. 2015-2, Sec. 2)
4. Businesses and all Contractor's doing work in the city are required to have a City Privilege Business License. You must show proof of Insurance to obtain a city issued Privilege Business License. The City Issued Privilege Business License is $75.00 per year, and any License may be revoked, or denied working in the City. A City Privilege Business License is different than a State Contractor's License. Most Contractor's will be required to have a state issued State Contractor's License to obtain a City Privilege Business License. **A homeowner in Arkansas does not need licensure to do the work himself or herself, city permits and inspections will still be required.** You will not be required to have a State Contractor's License if you're doing commercial work under $50,000 and or residential work under $2,000.00, but you must still obtain a City Privilege License to do work in the city.

C. Section 303 (b) is deleted.

D. Section 304 (d) regarding the time and items of inspection is deleted and the following inspections shall apply:

1. Foundation: Footing, wall, poured, and slab written proof of termite treatment shall be provided prior to advancement to next stage of construction.
2. Rough: Interior walls open, plumbing electrical, ventilator and flue pipe.
3. Final: Structural complete, electrical complete, plumbing, complete, heating and air conditioning, and final building inspection needed for Certificate of Occupancy.
4. Specialty Inspections for Electrical, Mechanical, and Plumbing. See Appendix 1&2

E.

1. A building permit shall not be required when the work involved is for repairs or alterations that do not include any electrical wiring, plumbing or structural changes to an existing building or structure. (Ord. No. 80-1, Sec. 1). Items that do NOT require a permit (example)
    - Repainting your house
    - Adding kitchen cabinets or replacing kitchen appliances or countertops
    - Installation of new door (no door opening adjustments required)
    - Installing new floor coverings
    - Bathroom and kitchen fixture replacement (without plumbing line modifications)
    - Minor electrical work (replacing light fixture or electrical outlet)

2. The installation of Rigid PVC Siding and soffit shall comply with the latest edition of Standard D475-96 issued by the American Society for Testing and Materials. Should there be any conflict between this standard and the manufacture's written instructions, the latter shall govern. Other siding soffits, such as aluminum or steel, are to be installed according to the manufacturer's latest instructions. A building permit is required.

F. The schedule for building permits based on valuation shall be compared to a fee calculated by multiplying the total square footage of the proposed construction by Fourteen cents per square foot of living space plus garage or carport, (excluding basements, porches, and decks). The greater of calculated fees shall prevail. (Ord. No. 98-2, Sec. 1)

1. Applications to the City Building Permit Committee for the issuance of a permit for the construction of a dwelling from one (1) to four (4) units in design, intended principally for the residential purposes shall include a copy of such applicant's Certificate of Registration issued to the Secretary of State of the State of Arkansas pursuant to the provisions of Act 839 of the Acts of Arkansas 1987, as the same may be amended from time to time, and a statement of such applicant that such Certificate of Registration is in full force and effect. (Ord. No. 93-9, Sec. 1)
2. 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. (Ord. No. 93-9, Sec. 2)

G. Building Inspector enforcement and citations.

Whereas, The Arkansas Building Code by the international code council (ICC) is adopted by the State Fire Marshal's office. It is a part of the Fire Prevention Code. The Code applies Statewide, even in rural and unincorporated areas.

Section 114 Violations

[A] 114.1 Unlawful Acts

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 114.2 Notice of Violation

The building inspector is authorized to serve a notice of violation or citation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 114.3 Prosecution of Violation

If the notice of violation is not complied with promptly, the building inspector is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 114.4 Violation Penalties

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

H. This Ordinance shall supersede all other municipal Ordinances consisting of compilations of general and permanent ordinances and parts of ordinances passed by the City Counsil.

Passed and approved this 28th day of August, 2023.

Mayor

ATTEST:

Recorder/Treasurer

Permit Fee Chart

Estimated Value			Permit Fee Including Inspection Fee
New Construction			
*Residential one and two story dwellings			
(including sheds/detached garage/shops)			$ 0.30 per sq ft
*Commercial/Industrial			$ 0.60 per sq ft
Remodels and Miscellaneous Building Projects			
$ .00	to	999.00	$ 50.00
1,000.00	to	49,999.00	100.00
50,000.00	to	99,999.00	200.00
100,000.00	and	Over	0.05% of estimated

*Remodel and Miscellaneous Permits require an additional $100.00 Refundable Deposit to guarantee call for final inspection.
*New Home Building Permits require an additional $250.00 refundable deposit upon final inspection approval and issuance of a certificate of occupancy.
*New Commercial Permits require an additional $250.00 for interior remodeling refundable upon final inspection approval.
*New Commercial New Construction Permits require an additional $500.00 refundable upon final inspection approval and issuance of a certificate of occupancy.

When the inspector signs off then the deposit will be refunded.

*Roof Permits also require an additional $500.00 Refundable Deposit upon verification of proper disposal of roofing materials. $1,000.00 Next deposit if failed to verify proper disposal.

NEW CONSTRUCTION:
All new construction also will be assessed a construction surcharge that goes to the State of Arkansas. The tax rate is $0.000475. that will be applied to the total construction value.

Residential Project Required Inspections List Fees

Building Inspections

1. Footing Inspection	$15.00
2. Trench/Slab Foundation Inspection	$15.00
3. Foundation Wall Inspection	$15.00
4. Foundation Backfill Inspection	$15.00
5. Slab Pre-Pour Inspection	$15.00
6. Rough Framing Inspection	$30.00
7. Insulation Inspection	$15.00
8. Final Building Inspection	$30.00

Electrical Inspections

1. Electrical Service Inspection	$15.00
2. Electrical Under-slab Inspection	$15.00
3. Electrical Rough Inspection	$30.00
4. Electrical Final Inspection	$30.00

Mechanical Inspections

1. Mechanical Rough Inspection	$30.00
2. Mechanical Final Inspection	$30.00

Plumbing Inspections

1. Service Inspections	$20.00
i. Domestic Water Service Inspection	
ii. Sanitary Service Inspection	
2. Plumbing Underslab Inspection	$15.00
3. Plumbing Rough Inspection	$30.00
4. Plumbing Final Inspection	$30.00

Typical Residential Total Inspection Fees:	$350.00

Commercial Project Required Inspections List Fees

Building Inspections

1. Footing Inspection	$20.00
2. Trench Foundation Inspection	$20.00
3. Foundation Wall Inspection	$20.00
4. Foundation Backfill Inspection	$20.00
5. Slab Pre-Pour Inspection	$20.00
6. Rough Framing Inspection	$40.00
7. Insulation Inspection	$20.00
8. Final Building Inspection	$40.00

Electrical Inspections

1. Electrical Service Inspection	$20.00
2. Electrical Under-slab Inspection	$20.00
3. Electrical Rough Inspection	$40.00
4. Electrical Final Inspection	$40.00

Mechanical Inspections

1. Mechanical Rough Inspection	$40.00
2. Mechanical Above Ceiling Inspection	$40.00
3. Mechanical Final Inspection	$40.00

Plumbing Inspections

1. Service Inspections	$40.00
i. Domestic/Fire Protection Water Service Inspection	
ii. Sanitary Service Inspection	
iii. Storm Water Service Inspection	
2. Plumbing Underslab Inspection	$30.00
3. Plumbing Rough Inspection	$40.00
4. Plumbing Final Inspection	$40.00

Fire Code Inspections (Restaurants)

5. Kitchen Hood and Duct Rough Inspection	$30.00
6. Kitchen Hood Duct Light test Inspection	$30.00
7. Kitchen Hood Duct Insulation Inspection	$30.00
8. Kitchen Hood Suppression System Inspection	$50.00
9. Kitchen Hood Final Inspection	$50.00

Typical Commercial Total Inspection Fees:	$570.00
Typical Commercial Restaurant Total Inspection Fees:	$760.00

SCHEDULE FOR BUILDING FINES AND/OR REINSPECTION FEES

WORKING WITHOUT A REQUIRED PERMIT

Homeowner working without a required permit:

a. First violation: Double permit fee.
b. Second violation: $250.00
c. Third violation: $500.00

Contractor working without a required permit:

a. First violation: Double permit fee + $500.00
b. Second violation: Double permit fee + $1,000.00
c. Third violation: Loss of City License

WORKING AFTER STOP WORK NOTICE ISSUED

a. First day of violation: $100.00
b. Second day of violation: $250.00
c. Third day of violation: $500.00
d. Fourth and all subsequent days of violation: $1,000.00

REINSPECTION FEES

Reinspection fees will be at the inspector's discretion for first reinspection.

a. First reinspection: $50.00
b. Second reinspection (for same violation as first inspection): $100.00
c. Third reinspection (for same violation as first inspection): $250.00
d. Any subsequent code violation reinspection fee: $250.00

OCCUPYING A NEW STRUCTURE PRIOR TO FINAL INSPECTION APPROVAL AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY

a. Residential: $100.00 per day
b. Commercial: $250.00 per day

PERMIT DEPOSITS

Roofing Permits: $500.00 for less than 3 squares, $750.00 for more than 3 squares (refundable upon verification of proper disposal of roofing materials)

New Home Building Permits: $250.00 (refundable upon final inspection approval and issuance of a certificate of occupancy)

New Commercial Permits: $250.00 for interior remodeling (refundable upon final inspection approval)

$500.00 for new construction (refundable upon final inspection approval and issuance of a certificate of occupancy