HORSESHOE BEND

MUNICIPAL CODE

A Code of the General Ordinances
of the City of Horseshoe Bend, Arkansas

Date of Incorporation

October 2, 1969

Prepared with the
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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HORSESHOE BEND MUNICIPAL OFFICIALS
AT THE TIME OF THIS CODE'S PREPARATION

Mayor	Edwin T. Baldwin
Recorder/Treasurer	Ruth B. Andrews
City Attorney	Forrest E. Dunaway
Aldermen	Newton W. Snashall
	Frances Watts
	J. Malcolm Miller
	Glen Bunday
	Mary Hale
	Richard A. Schmidt
	Henry Walters
	Freeling M. Truesdale

PREFACE

The Horseshoe Bend Municipal Code is a codification of the general ordinances of the City of Horseshoe Bend, Arkansas.

The loose-leaf binder and numbering system are designed to permit the code to be kept completely up to date. We hope this will enable the code to be of the greatest assistance to the citizens and municipal officials of the City of Horseshoe Bend.

ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE

ORDINANCE NO. 1

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BEND, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Horseshoe Bend Municipal Code." Such Code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before *Sept. 20,* 1982, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after the *20th* day of *September,* 1982. All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the *20th* day of *September,* 1982, except as hereinafter provided. No resolution of the city, not specifically mentioned, is hereby repealed.

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

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code;

(2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

(3) Any contract or obligation assumed by the city;

(4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;

(5) Any appropriation ordinance;

(6) Any ordinance which, by its own terms, is effective only for a stated or limited time;

(7) Any ordinance providing for local improvements and assessing taxes therefor;

(8) Any ordinance dedicating or accepting any subdivision plat;

(9) Any ordinance enacted after *Sept. 20,* 1982

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

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

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

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

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

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

Section 10. It is hereby found that many of the ordinances of the City of Horseshoe Bend are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the City of Horseshoe Bend adopted and published. Therefore, an emergency is hereby declared to exist and this Ordinance No. 1 being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this *20th* day of *September*, 1982.

(SEAL)

F M Lunsdale
MAYOR

ATTEST:

Beverly Brooks
RECORDER/TREASURER

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TITLE 1

GENERAL PROVISIONS

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CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Section:

1.04.01 How code designated and cited

1.04.01 How code designated and cited The ordinances embraced n the following chapters and sections shall constitute and be designated "Horseshoe Bend Municipal Code", and may be so cited.

STATE LAW REFERENCE-Authority of municipalities to codify ordinances without the necessity of publishing and posting same. Ark. Stats. 192424, et seq.

CHAPTER 1.08

RULES OF CONSTRUCTION

Section:

1.08.01 Rules of construction

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

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

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

CITY. The words "the city" or "this city" shall mean the city of Horseshoe Bend, Arkansas.

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

OTHER CITY OFFICIALS OR OFFICERS. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "recorder/treasurer", "marshal", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Horseshoe Bend.

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

MUNICIPALITY. The words "the municipality" or "this municipality" shall mean the city of Horseshoe Bend.

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

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

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

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

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

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

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

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Section:

1.12.01 Subheadings of sections

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

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Section:

1.16.01 Effect of repeal of ordinances

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

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

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

Section:

1.20.01 Severability of parts of code

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

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.01 Amendments to code

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

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

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

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

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

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

CHAPTER 1.32

GENERAL PENALTY

Section:

1.32.01 General penalty

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

STATE LAW REFERENCE-For statutory provisions pertaining to penalties cities may impose, see Ark. Stats. 19-2409 (as amended by Act 548 of 1975) - 19-2411

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

1.36.01 Filing date
1.36.02 Notice of filing
1.36.03 Special election
1.36.04 Expunction of defeated ordinance

1.36.01 Filing date All referendum petitions under Amendment 7 to the Constitution of the State of Arkansas, must be filed with the recorder/treasurer within thirty (30) days after the passage of such ordinance or resolution.

1.36.02 Notice of filing Whenever any referendum petition is filed, the mayor, acting on behalf of the city council, shall give notice by publication for one (1) insertion in a newspaper published in the County of Izard and having a general circulation in the City of Horseshoe Bend of a time not less than five (5) days after the publication of such notice at which the city council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners.

At the time named, the city council shall meet, at its regular place of meeting, and hear all who wish to be heard on the question, and its decision shall be final, unless suit is brought in the Chancery Court of Izard County, Arkansas within thirty (30) days to review its action.

1.36.03 Special election If the city council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the council calling the election. The mayor shall publish a notice of the call of such election in not less than one (1) issue of a newspaper published in the County of Izard and having a general circulation in the City of Horseshoe Bend, not less than five (5) days prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance or resolution which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment 7 to the Constitution of Arkansas, and other applicable laws, such election shall be conducted in the manner provided by law for the conduct of a regular municipal election.

1.36.04 Expunction of defeated ordinance If any ordinance or resolution referred to the people is defeated at the polls, the city council shall make note of such fact and shall expunge such ordinance or resolution from its files by erasing the same with red ink.

STATE LAW REFERENCE-For statutory provisions pertaining to referendum petitions, see Const., Amend. 7, and Ark. Stats. 19-2428 - 19-2430

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

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2.04 City Classification
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CHAPTER 2.04

CITY CLASSIFICATION

Sections:

2.04.01 Operation as second class city

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

STATE LAW REFERENCE - For statutory provisions classifying municipal corporations, See A.C.A. 14-37-103.

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

2.08.01 Map of city
2.08.02 Ward boundaries

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

2.08.02 Ward boundaries. The boundaries of the four (4) wards of the City of Horseshoe Bend, Arkansas, shall be the same as set out in the map attached hereto with said map being incorporated herein by reference. Ward description as follows:

WARD I: Said Ward shall consist of lands situated within the boundaries of the following additions of the city of Horseshoe Bend, to wit:

01 Tract A	02 Tract B	03 Tract B. Mobile
04 Tract C	05 Tract D	06 Tract E
13 Rolling Acres	19 Settlers Park	20 Paradise Acres
37 Scenic Acres	54 Business & Industrial	

and all unplatted lands lying west of 05 Tract D and 06 Tract E and within the limits of the city, as delineated on the Ward Map incorporated herein by reference.

WARD II: Said Ward shall consist of lands situated within the boundaries of the following additions of the city of Horseshoe Bend, to wit:

07 Sequoia	09 Fairway	22 Green Valley
23 Lakeview	24 Pleasant Valley	25 Capitol
27 State	28 Golf Park	29 Pine Ridge
31 Ben's Creek	33 Lynwood	34 Emerald Cove
36 Diamond Cove	38 Treasure Hill	39 Hillcrest
40 Greenbriar	41 Forest Heights	42 Timber Ridge
43 Sleepy Hollow	44 Edge Hill	45 Executive

and all unplatted lands lying south of 54 Business & Industrial Addition and east of State Highway 289, as delineated on the Ward Map incorporated herein by reference.

WARD III: Said Ward shall consist of lands situated within the boundaries of the following additions of the city of Horseshoe Bend, to wit:

08	Pioneer Park	10 Frontier Village	11 Cedar Glade
12	Woodland	14 White Oak	15 Valley View
16	River View	17 Spring	18 Pioneer Village
50	Business Center	53 White Oak II	

together with such unplatted lands lying South of 18 Pioneer Village and commonly known as Frontier Manor; all unplatted lands lying South of 14 White Oak Addition, West of State Highway No. 289 to the western and southern city limits as delineated on the Ward Map incorporated herein by reference.

WARD IV. Said Ward shall consist of lands situated within the boundaries of the following additions of the city of Horseshoe Bend, to wit:

21 Crown	32 North Shore	35 South Shore
51 Crown View #1	52 Crown View #2	54 Sharp Addition No. 1
55 Marina Village	56 Sharp Addition #2	

together with all unplatted lands lying South of Diamond Lake Dam along both sides of E. Tri-Lakes Drive and westerly along E. Tri-Lakes Drive to the east side of 56 Sharp Addition #2; such unplatted lands lying south of 35 South Shore Addition to the city limits and westerly along the south city limits to the east side of State Highway No. 289 thence North to the Southern boundary of 56 Science & Industry Addition and west and south of 21 Crown Addition and Northwest and south of 51 Crown View Addition, as delineated on the Ward Map incorporated herein by reference. (Ord. No. 02-06, Sec. 1)

CHAPTER 2.12

CITY COUNCIL

Sections:

2.12.01	Council meetings - regular
2.12.02	Council meetings - special, Called by Mayor
2.12.03	Council meetings - special, Called by Council
2.12.04	Business at special meetings
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2.12.12	Readings
2.12.13	Suspension of rules
2.12.14	Election by ward
2.12.15	Name on ballot

2.12.01 Council meetings - regular The regular meetings of the Horseshoe Bend City Council shall be on the 4th Monday of each month for the year 2011. The City Council shall have the authority to set by resolution the date for the regular meetings at the January meeting each year, and if no date is set at said January meeting, then the regular meetings shall continue to be on the 4th Monday of each month until changed by a vote of the City Council. (Ord. No. 2011-1, Sec. 1.)

2.12.02 Council meetings - special, Called by Mayor The Mayor shall have the power, when in his judgment, it shall be for the interest of the City to call a meeting of the City Council. Such meeting shall be called by the Mayor fixing the time of the meeting and issuing or causing to be issued a summons directed to the Marshal commanding him to summon each alderman to attend such meeting in which summons the subject of the meeting shall be stated in general terms. (Ord. No. 81-12, Sec. 2)

2.12.03 Council meetings - special, Called by Council Whenever three (3) aldermen shall sign a notice to the other members of the city Council of a special meeting of the Council, stating therein the object of such meeting, such special meeting shall be held at the time designated in the call, such notice shall be served by the Marshal. (Ord. No. 81-12, Sec. 3)

2.12.04 Business at special meeting At any special meeting, no other business shall be transacted except that for which the meeting was called. The Council can lawfully sit and transact any business at any time without notice when all the members of the Council are present. (Ord. No. 81-12, Sec. 4)

2.12.05 Notice to news media of special meeting In the event of a special meeting, the Mayor or aldermen calling the meeting shall notify the representatives of the newspapers, radio stations and television stations, if any, located in this county and which have requested to be so notified of such special meetings, of the time, place and date at least two (2) hours before such a meeting takes place in order that the public shall have representatives at the meeting. (Ord. No. 81-12, Sec. 5)

2.12.06 Presiding officer The Mayor shall preside at the meetings during the term for which he was elected, and in case his vote is needed to pass any by-law, ordinance, resolution or order or motion, the Mayor may vote. In the absence of the Mayor, the President Protempore shall preside over the Council. (Ord. No. 81-12, Sec. 6)

2.12.07 Conduct Any person who shall disrupt or interfere with a meeting of the Council or create a disturbance in such meeting, may be charged with such offense, and if convicted, shall be punished in accordance with the laws of the State. (Ord. No. 81-12, Sec. 7)

2.12.08 Record of proceedings The Recorder shall keep a journal of its proceedings in the manner as other legislative bodies. The yeas and nays shall be taken and entered upon the journal on any by-law, motion, ordinance or resolution. (Ord. No. 81-12, Sec. 8)

2.12.09 Publication When any ordinance of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be passed, the Recorder shall furnish a copy to a newspaper of general circulation in the city for publication. (Ord. No. 81-12, Sec. 9)

2.12.10 Writing required No amendment or resolution shall be offered except in writing and the question shall be put on the last amendment offered, and in filling blanks, the question shall always be taken on the longest time, largest and highest number proposed. (Ord. No. 81-12, Sec. 10)

2.12.11 Procedure *The Procedural Rules For Municipal Officials* booklet published by the Arkansas Municipal League, three (3) copies of which are on file in the Recorder's office, are hereby adopted as the rules to be followed in the conducting of meetings of the governing body. (Ord. No. 81-12, Sec. 11)

2.12.12 Readings All resolutions must be read, seconded and stated by the chair before they shall be subject to debate. (Ord. No. 81-12, Sec. 12)

2.12.13 Suspension of rules No rules contained in this ordinance or *The Procedural Rules for Municipal Officials* adopted by reference hereby shall be suspended except by unanimous consent of all the members of the Council. (Ord. No. 81-12, Sec. 13)

2.12.14 Election by ward. That the qualified voters in the city of Horseshoe Bend, Arkansas, shall, on the Tuesday following the first Monday in November, 1988, and every two (2) years thereafter, elect for each of its wards, two (2) aldermen, who shall be designated as alderman number 1 and alderman number 2 of the ward; said aldermen to be elected by ward in which event each alderman shall be voted upon by the qualified electors of the ward from which the person is a candidate. (Ord. No. 88-02, Sec. 1)

2.12.15 Name on ballot. That the name of each candidate for alderman shall appear upon the ballot only in the ward in which he is a candidate. (Ord. No. 88-02, Sec. 2)

CHAPTER 2.14

MAYOR

Sections:

2.14.01 Temporary position

2.14.01 Temporary position

A. It is hereby ordained that when the Mayor is absent or unable to serve and the Recorder/Treasurer is also absent or unable to serve, then the Chairman of the Finance Committee is authorized to act on behalf of the Mayor and shall have the full and complete authority to perform any acts required to be performed by the Mayor.

B. If the Chairman of the Finance Committee is also absent or unable to serve, the Vice-Chairman of the Finance Committee shall serve as Mayor and shall have the power to perform the duties of the office.

C. In the event that the position becomes vacant on more than a temporary basis, then the position of Mayor or Recorder/Treasurer shall be filled in accordance with Arkansas law. (Ord. No. 04-05, Secs. 1-3.)

CHAPTER 2.16

RECORDER/TREASURER

Sections:

2.16.01	Office created
2.16.02	Copying of documents
2.16.03	Signing of checks
2.16.04	Duties of office

2.16.01 Office created. The office of Recorder/Treasurer is hereby created, combining the duties of both offices into one (1) office to be held by one (1) person. The office is elective and the term of office is four (4) years. (Ord. No. 99-08, Sec. 1.)

2.16.02 Copying of documents. The Recorder/Treasurer shall charge a fee for copying of documents. For documents supplied by a member of the public to be copied by the city, the fee shall be Twenty Cents ($.20) per copy. Ten (10) copies shall be the maximum that will be made at one time. The fee that shall be charged for copying city documents for the public shall be Twenty-Five Cents ($.25) per page. Ten (10) copies shall be the maximum that will be made at one time. (Ord. No. 99-08, Sec. 2.)

2.16.03 Signing of checks The Mayor or the Mayor's desigee and the Recorder/Treasurer or the Recorder/Treasurer's designee shall have the authority to sign checks for all city accounts and all city offices, with two of the appropriate signatures being required for all checks. (Ord. No. 99-08, Sec. 3.)

2.16.04 Duties of office The duties of this office shall be such as are fixed by the laws of the Constitution and the laws of the state of Arkansas and the ordinances of the city. Further, the Recorder/Treasurer shall be responsible to perform and/or supervise the performance of the following job tasks:

A. Review bills, code invoices, total bills according to individual funds and co-sign checks.
B. Reconcile monthly bank statements and make bank transfers. Control and account for cash on hand.
C. Prepare monthly, quarterly and semi-annual Treasurer's reports and distribute to the Mayor and City Council. Publish semi-annual reports.
D. Prepare and mail employer's quarterly Federal Tax Return and employers quarterly Contribution and Wage Report.

E. Serve as purchasing agent. Order supplies for city office and Water Department office.
F. Assist in the preparation of the city budget. Serve as a member of the Finance Committee, as well as Secretary. Transcribe, copy, distribute and deliver the minutes of the meeting to the media.
G. Prepare City Council agenda. Attend Council meetings and maintain an accurate record of the meetings. Transcribe, copy, distribute and deliver minutes to the media.
H. Properly attest, record and publish city ordinances and records as required by law.
I. Arrange for publication of official notices.
J. Process city employee and city official hospitalization, medical and worker's compensation.
K. Administer and assist with the preparation of the city payroll. Administer the insurance program and pension fund.
L. Prepare memos, correspondence and notices as required.
M. Administer and assist with the Channel 2 programming.
N. Developjob titles and job descriptions for all office employees.
O. Evaluate office employees on a regular basis.
P. Serve as Administrative Office and Personnel Manager having direct supervision and authority over all office employees.
Q. Serve as Mayor pro-tem during the absence of the Mayor.(Ord. No. 99-08, Sec.4)

CHAPTER 2.17

CITY CHAIN OF COMMAND

Sections:

2.17.01 Chairman of the Finance Committee
2.17.02 Vice-chairman of the Finance Committee
2.17.03 Vacant position

2.17.01 Chairman of the Finance Committee It is hereby ordained that when the Mayor is absent or unable to serve and the Recorder/Treasurer is also absent or unable to serve, then the Chairman of the Finance Committee is authorized to act on behalf of the Mayor and shall have the full and complete authority to perform any acts required to be performed by the Mayor. (Ord. No. 04-05, Sec. 1.)

2.17.02 Vice-chairman of the Finance Committee If the Chairman of the Finance Committee is also absent or unable to serve, then the Vice-Chairman of the Finance Committee shall serve as Mayor and shall have the power to perform the duties of the office. (Ord. No. 2004-5, Sec. 2.)

2.17.03 Vacant position In the event that the position becomes vacant on more than a temporary basis, then the position of Mayor or Recorder/Treasurer shall be filled in accordance with Arkansas law. (Ord. No. 2004-5, Sec. 3.)

CHAPTER 2.20

CITY COURT

Sections:

2.20.01	City Court established
2.20.02	Qualifications and powers of City Judge
2.20.03	Collection of fines
2.20.04	Fee for bail or delivery bond
2.20.05	General fund

2.20.01 City Court established The City Court is hereby established for the city.

STATE LAW REFERENCE - See A.C.A. 14-44-108.

2.20.02 Qualifications and powers of City Judge The City Judge shall possess the same powers, jurisdiction, functions and duties as is provided by state law for other City Judges.

STATE LAW REFERENCE - For city courts generally, See A.C.A. 14-44-108, 14-45-106 and 16-18-112.

2.20.03 Collection of fines The District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the city of Horseshoe Bend, Arkansas. (Ord. No. 2014-3, Sec. 1.)

2.20.04 Fee for bail or delivery bond The Police Department of the city of Horseshoe Bend, Arkansas shall charge and collect a fee of Twenty Dollars ($20.00) from every defendant for the taking and entering every bail or delivery bond. (Ord. No. 2005-4, Sec. 1.)

2.20.05 General Fund The fees so collected shall be placed into the city's General Fund. (Ord. No. 2005-4, Sec. 2.)

CHAPTER 2.24

CITY ATTORNEY

Sections:

2.24.01	Appointment
2.24.02	Duties
2.24.03	Ordinance repealed
2.24.04	Purpose
2.24.05	Disbursement

2.24.01 Appointment The City Attorney shall be appointed by the Mayor and approved by a majority of the Council for a term of two (2) years. Such attorney shall be subject to removal by the Mayor upon approval by the Council. (Amended by Ord. No. 98-13, Sec. 1)

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

2.24.03 Ordinance repealed Ordinance 97-12 be, and it hereby is, abolished. (Ord. No. 97-17. Sec. 1.)

2.24.04 Purpose The Recorder-Treasurer shall transfer monthly one-twelfth of the amount of the city attorneys fees, in the City Administration of Justice Fund into the City General Fund. The purpose of this transfer is to defray the salary of the City Attorney. The City Attorney shall not receive this monthly transfer in addition to his salary of $1,000 per month. (Ord. No. 97-17, Sec. 2.)

2.24.05 Disbursement The City Council finds that disbursement of the City Administration of Justice Fund should be accomplished immediately in order to defray costs of the City Attorney salary for the budget year of 1997 as required by state law and this ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and the same shall be in full force and effect immediately after its passage. (Ord. No. 97-17, Sec. 3.)

CHAPTER 2.27

DEPARTMENT OF PUBLIC WORKS

Sections:

2.27.01	Department of Public Works created
2.27.02	Office of Public Works Manager
2.27.03	Appointment of Public Works Manager
2.27.04	Compensation of Public Works Manager
2.27.05	Removal of Public Works Manager
2.27.06	Authority of department

2.27.01 Department of Public Works created There is hereby created the Department of Public Works for the city of Horseshoe Bend. The department shall manage and control the construction, management and operation of the streets, water system, sewer system and all other such systems for the city of Horseshoe Bend. (Ord. No. 95-5, Sec. 1)

2.27.02 Office of the Public Works Manager The position of Public Works Manager is hereby created and the person appointed to this position shall serve as a department head for the purpose or managing the Department of Public Works and its employees. (Ord. No. 99-3, Sec. 1.)

2.27.03 Appointment of Public Works Manager The Mayor shall have the power to appoint the Public Works Manager subject only to a vote to override said appointment being made by two-thirds (2/3) of the number of members of the City Council of the city of Horseshoe Bend, Arkansas. (Ord. No. 99–3, Sec. 2.)

2.27.04 Compensation of Public Works Manager The Public Works Manager shall receive such compensation for his duties as shall from time to time be determined appropriate by the City Council of the city of Horseshoe Bend, Arkansas. (Ord. No. 99-3, Sec. 3.)

2.27.05 Removal of Public Works Manager The Mayor shall have the power to remove the Public Works Manager subject only to a vote to override said removal being made by two-thirds (2/3) of the number of members of the City Council of the city of Horseshoe Bend, Arkansas. (Ord. No. 99-3, Sec. 4.)

2.27.06 Authority of department The Public Works Department of the city of Horseshoe Bend, Arkansas, is hereby granted the authority to make the decision and either grant or deny water service to property located out of the city limits. (Ord. No. 96-2)

CHAPTER 2.30

FIRE DEPARTMENT

Sections:

2.30.01	Fire Department established
2.30.02	Titles of Fire Chief and Assistants
2.30.03	Rules and regulations
2.30.04	Authority of Fire Chief
2.30.05	Records and reporting

2.30.01 Fire Department established There is hereby created a Volunteer Fire Department for the City of Horseshoe Bend to be officially known as **'THE HORSESHOE BEND VOLUNTEER FIRE DEPARTMENT."**

2.30.02 Titles of Fire Chief and Assistants The Fire Department shall consist of the Fire Chief, two (2) Assistant Fire Chiefs and such other officers as the Fire Chief and the Mayor's office shall determine. The Fire Chief shall be appointed by the Mayor. (Ord. No. 91-1, Sec. 2)

2.30.03 Rules and regulations The members of the Fire Department are authorized to adopt rules and regulations for the regulation of the department not inconsistent with the provisions of this ordinance and subject to the approval of the Mayor's office. (Ord. No. 91-1, Sec. 3)

2.30.04 Authority of Fire Chief The Fire Chief shall be directly charged with the responsibility and accountability to the city for all city equipment and have control and management of the day-to-day operations of the Fire Department.

2.30.05 Records and reporting The Fire Chief shall cause to be kept a record of the names of the members who attend the meetings which shall be held twice a month and who perform services at each fire or other emergency, and he shall submit a full statement of the circumstances of fires or other emergencies each month to the City Council at its next regular meeting.

CHAPTER 2.32

UNCLAIMED PROPERTY

Sections:

2.32.01	Disposal
2.32.02	Sale
2.32.03	Proceeds of sale to owner
2.32.04	Proceeds remaining after six months

2.32.01 Disposal The Izard County Sheriff under the direction hereinafter set out is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the city court with the exception of confiscated liquor. (Ord. No. 2014-4, Sec. 2.)

2.32.02 Sale All unclaimed personal property coming into the hands of the Izard County Sheriff will be held by the Izard County Sheriff for a period of six (6) weeks or longer. If said property remains unclaimed, the Izard County Sheriff shall periodically advertise such property in some newspaper of general circulation in the city once each week for three (3) consecutive weeks setting forth in notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof and giving a complete list and description of unclaimed articles to be sold. The Izard County Sheriff shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property returned to them. (Ord. No. 2014-4, Sec. 2.)

2.32.03 Proceeds of sale to owner The Izard County Sheriff shall deposit the receipt from the aforesaid sale of unclaimed property in the city treasury and the Recorder/Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by city warrant out of the special account the amount of which the property was sold. The Izard County Sheriff or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through the Izard County Sheriff's office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold. (Ord. No. 2014-4, Sec. 2.)

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

CHAPTER 2.36

IMPROVEMENT DISTRICT COMMISSIONERS

Sections:

2.36.01 Classes
2.36.02 Reappointment
2.36.03 Initial terms

2.36.01 Classes That effective April 1, 1986, the terms of the presently acting commissioners of the Municipal Recreation Facilities Improvement District No. 80-06 and the Crown Addition Municipal Street Improvement District No. 84-01, and the commissioners hereinafter appointed to manage and control any Municipal Improvement District hereinafter

created and established within the boundaries of the city of Horseshoe Bend, Arkansas, shall be divided into five (5) classes of one commissioner, the term of one class only of which shall expire each year and the term of each class to be for three (3) years, except for the initial classes' terms and when necessary to appoint same for a shorter term in order to fill vacancies. (Ord. No. 2017-02, Sec. 1) (Ord. No. 2022-01, Sec. 1)

The increase of commissioners provided for in Ord. No. 2022-01 is intended to only apply to the Municipal Recreation Improvement District and the number of commissioners will remain at Three (3) for the Crown Improvement District until changed at a later date by a specific ordinance applying to the Crown District. (Ord. No. 2003-11, Sec. 1.) (2022-01)

2.36.02 Reappointment.

That a commissioner heretofore appointed or hereinafter appointed for a full term or less shall be eligible for re-appointment to serve and succeed himself for further terms upon the approval of the City Council. (Ord. No. 85-10, Sec. 2)

2.36.03 Initial terms.

That effective April 1, 1986, the initial terms of the presently acting commissioners of the Municipal Recreation Facilities Improvement District No. 80-06 and the Crown Addition Municipal Street Improvement District No. 84-01 shall be as follows:

One Commissioner for a term of one (1) year to March 31, 1987.
One Commissioner for a term of two (2) years to March 31, 1988.
One Commissioner for a term of three (3) years to March 31, 1989.
(Ord. No. 85-10, Sec. 3)

The initial term of the two new members shall be selected by drawing with one (1) new member to serve an initial term of two (2) years and one (1) new member to serve an initial term of three (3) years. (Ord. No. 2003-11, Sec. 2.)

Chapter 2.40

AIRPORT COMMISSION

Sections:

2.40.01	Created
2.40.02	Appointment of commissioners -term - salary
2.40.03	Removal of commissioners
2.40.04	Authority of commissioners
2.40.05	Eminent domain
2.40.06	Use of revenue
2.40.07	Zoning regulations
2.40.08	Additional powers of commissioners
2.40.09	Rules and regulations
2.40.10	Annual reports
2.40.11	Meetings of commissioners
2.40.12	Power of city to erect improvements other than for airport facilities on airport property
2.40.13	Authority to erect improvements recommended by Commission
2.40.14	operation of improvements by Commission
2.40.15	Annual election

2.40.01 Created. There is hereby created an Airport Commission to be composed of seven (7) citizens who are qualified electors of the state. At least one (1) of the seven (7) commissioners shall be fully experienced in aviation, holding some type of pilot aeronautical rating, provided, however, that if there is not any citizen experienced in aviation holding some type of pilot's aeronautical rating who is available or willing to serve on said Commission then the City Council may waive this requirement. Provided further, no member of said Commission shall engage financially in any aeronautical enterprise while a member of Said Commission. The initial term of the two new members shall be selected by drawing with one (1) new member to serve an initial term of four (4) years and one (1) new member to serve an initial term of five (5) years. (Ord. No. 00-4, Sec. 1.)

2.40.02 Authority of commissioners - term - salary. Said commissioners shall be appointed by the Mayor and confirmed by a three-fourths (3/4) vote of the duly elected and qualified members of the City Council and shall hold office for a term of five (5) years; provided that those commissioners first appointed and confirmed after the passage of this ordinance shall serve for terms of one (1), two (2), three (3) four (4) and five (5) years each, to be designated by the Mayor and therefor upon the expiration of their respective terms, their successors shall be appointed by the Mayor subject to the approval of three-fourths (3/4) of the duly elected and qualified members of the City Council for a term of five (5) years. The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for expenses incurred by them in performance of their duties. The commissioners shall file the oath required by law in the State of Arkansas. (Ord. No. 87-07, Sec. 1)

2.40.03 Removal of commissioners Any commissioner appointed by the provisions of this ordinance may be removed upon a three-fourths (3/4) vote of the duly elected and qualified members of the City Council. (Ord. No. 87-7, Sec. II)

2.40.04 Authority of commissioners The commissioners herein under appointed shall have full and complete authority to manage, operate, improve, extend and maintain the municipal airport, its related properties and facilities, and shall have full and complete charge of said airport, its related properties and facilities, including the right to employ or remove any and all assistants and employees of whatsoever nature, kind or character and to fix, regulate and pay their salaries, it being the intention of this ordinance to vest in said commissioners unlimited authority to operate, manage,, maintain, improve and extend said municipally owned airport, its related properties and facilities, and to have full and complete charge thereof. (Ord. No. 87-7, Sec. III)

2.40.05 Eminent domain The city is expressly authorized to have all the rights of eminent domain as may be necessary and expedient for the proper operation and management of said municipal airport, its related properties and facilities, as is granted by Ark. Stat. Ann. 74-202. (Ord. No. 87-7, Sec. IV)

2.40.06 Use of revenue. All revenue derived from the operation of such airport or flying field, after paying the operating expenses and maintenance, shall be set aside and used for additional improvements on such airport or for the retirement of bonds and interest thereon issued or advancement made after the passage of this ordinance for the purchase and improvement of such airport or flying field. (Ord. No. 87-07, Sec. V)

2.40.07 Zoning regulations The city is expressly authorized to put into effect zoning regulations necessary for the proper operation and management of said municipal airport, its related properties and facilities as provided by the Airport Zoning Enabling Act Ark. Stat. Ann. 74-301 - 75-308. (Ord. No. 87-7, Sec. VI)

2.40.08 Additional powers of commissioners The said commissioners shall, in addition to the above enumerated powers have such other and further powers as are now by law given to the Board of Public Affairs and the City Council of any city and they shall be governed by all existing statutes pertaining to the duties of Boards of Public Affairs and City Councils. (Ord. No. 87-7, Sec. VII)

2.40.09 Rules and regulations The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of said municipal airport, its related properties and facilities, and shall have authority to alter, change or amend such rules and regulations at their discretion. Said commissioners shall comply or cause to be complied with, all civil air regulations of the Federal and State Government to air worthiness of

aircraft, certification of aircraft, and operation of aircraft. They shall protect all the aerial approaches to the airport insofar as it comes within their jurisdiction. (Ord. No. 87-7, Sec. VIII)

2.40.10 Annual reports Said commissioners shall keep a record of all revenues and expenditures of the airport, its related properties and facilities, and shall submit monthly reports to the Mayor and City Council. It shall be the duty of the Airport Commissioners to prepare and file an annual report of the financial affairs and conditions of such municipal airport, its related properties and facilities, annually by the 15th day of January, and the 1st Monday in February thereafter, the said report shall be filed in the office of the Clerk or Recorder of such municipality, and shall be subject to the inspection of any citizen of the state. The report shall set out a full detailed, complete and correct statement of all receipts of every kind since the last preceding report, showing the source thereof, and all disbursements of every kind showing date, amount, number and purposes of each voucher, to whom issued and the date canceled, if canceled. Said report shall show the full financial condition of the airport, its related properties and facilities, and the status of its bonded debt, if any, and of every other detail necessary to a full and thorough understanding from such report, of the actual financial condition of such municipal airport. The report shall be verified by the airport Board of Commissioners. The commissioners shall also furnish such other and further reports, data and information as may be requested by the Mayor or City Council. (Ord. No. 87-7, Sec. IX)

2.40.11 Meetings of commissioners The said Board of Commissioners shall meet at least monthly but other meetings may be held at any time by the Board or upon the call of the Mayor and City Council. (Ord. No. 87-7, Sec. X)

2.40.12 Power of city to erect improvements Any city owning a municipal airport is hereby authorized and empowered to erect and construct buildings, structures and other improvements, whether or not the same are essential to, connected with or incidental to the operation of the airport and airport facilities, upon municipal airport property, that is upon lands which are managed and operated by the city, by its governing body or through its Airport Commission or other designated municipal agency, in conjunction with or as a part of the municipal airport. (Ord. No. 87-7, Sec. XI)

2.40.13 Authority to erect improvements recommended by Commission The authority granted by Ark. Stat. Ann. 74-519, et seq. to such city may be exercised by the governing body of the city, in its discretion, only after it has received the recommendation of its duly created Airport commission in the form of a resolution of such Airport Commission. (Ord. No. 87-7, Sec. XII)

2.40.14 Operation of improvements by Commission Said Airport Commission is authorized and empowered to operate said buildings, structures or other improvements after the completion thereof, including without limitation, the generality of this grant, the execution of lease agreements covering the leasing of space therein in such form, for such terms and with such provisions and for such amounts and with such parties, including but not limited to governmental agencies and private business of any nature, whether or not same are essential to, connected with or incidental to the operation of the airport and facilities as the Airport Commission shall determine. (Ord. No. 87-7, Sec. XIII)

2.40.15 Annual election The Commission shall elect annually from its members a chairman and vice chairman and secretary. (Ord. No. 87-87)

CHAPTER 2.44

PERSONNEL POLICY MANUAL

Sections:

2.44.01 Employee Manual

2.44.01 Employee Manual The new Employee Manual which is attached as Exhibit "A" hereto and incorporated herein by reference, is hereby approved and adopted by the City Council and shall be placed in the city code book in Chapter 2.48 and shall apply to all employees of the city of Horseshoe Bend. (Ord. No. 2009-3, Sec. 1.)

CHAPTER 2.45

PUBLIC SAFETY

Sections:

2.45.01 Public Safety

2.45.01 Public Safety That the City of Horseshoe Bend, AR hereby provides for public safety by contracting with the Izard County Sheriff's office for the said services, and not by way of a department of public safety or a city marshal. (Ord. No. 2019-01, Sec. 1.)

TITLE 3

FISCAL AFFAIRS

Chapters:

3.04 Purchases
3.08 Local Sales and Use Tax
3.12 Elected Officials Doing Business with City
3.16 Bidding Process

CHAPTER 3.04

PURCHASES

Sections:

3.04.01 $5,000.00 or under
3.04.02 Over $5,000.00
3.04.03 Approval of payments
3.04.04 Sale or exchange of supplies
3.04.05 Competitive proposals

3.04.01 $5,000.00 or under The Mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the city of Horseshoe Bend, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city, where the amount of the expenditure for any purpose or contract does not exceed the sum of Five Thousand Dollars ($5,000.00). (Ord. No. 2012-3, Sec. 1.)

3.04.02 Over $5,000.00 Where the amount of expenditure for any purchase or contract exceeds the sum of Five Thousand Dollars ($5,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative.

The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received. The requirement for competitive bidding may be waived when this procedure is deemed not feasible or practical or as provided under A.C.A. 14-58-104. (Ord. No. 2012-3, Sec. 2.)

3.04.03 Approval of payments The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts or liabilities. The payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body. (Ord. No. 2012-3, Sec. 3.)

3.04.04 Sale or exchange of supplies The Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars ($5,000.00). No supplies materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Thousand Dollars ($5,000.00); provided however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Thousand Dollars ($5,000.00), the same may be sold by the Mayor without competitive bidding. (Ord. No. 2012-3, Sec. 4.)

CHAPTER 3.08

LOCAL SALES AND USE TAX

Sections:

3.08.01	Levy of sales and use tax
3.08.02	Defining single transaction

3.07.01 Levy of sales and use tax As authorized by Act 25 of 1st Extraordinary Session of 1981, as amended by Acts 726 and 802 of 1983, there is hereby levied a sales and use tax at the rate of one percent (1%) on the receipts from the sale at retail within the city of Horseshoe Bend, Arkansas, on all such items which are subject to taxation under the Arkansas Gross Receipts Tax Act, Act 386 of 1941 of the Acts of Arkansas, as amended, subject to a maximum of Twenty-Five Dollars ($25.00) for a single transaction. (Ord. No. 85-02, Sec. 1.)

Under the authority of the Authorizing Legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101, et seq.) and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the city of tangible personable property subject to the Arkansas Compensating Tax Act of 1949 (A.C.A. 26-53-101, et seq.), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only on the first $2,500 for each single transaction. (Ord. No. 98-09, Sec. 1.)

3.08.02 Defining single transaction The term "single transaction" for the purposes of the Local Sales Tax, shall be defined according to the nature of the goods purchased, as follows:

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

B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the Local Sales Tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Local Sales Tax.

C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the Local Sales Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state.

D. When two (2) or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Local Sales Tax.

E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, s single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state. (Ord. No. 85-03, Sec. 1.)

CHAPTER 3.12

ELECTED OFFICIALS DOING BUSINESS WITH CITY

Sections:

3.12.01	Elected officials contracting with city
3.12.02	No preferences
3.12.03	Existing contracts
3.12.04	Existing contract after election

3.12.01 Elected officials contracting with city All elected officials of the city of Horseshoe Bend are authorized to submit bids, contracts and otherwise do business with the city of Horseshoe Bend and to provide services, supplies and equipment to be used by the city or for the benefit of the city. (Ord. No. 2006-9, Sec. 1.)

3.12.02 No preferences No preference shall be given by the city to any elected official in the contracting for or the providing of supplies, services or equipment, and the elected official shall disclose any interest they may have in any proposed contract with the city. (Ord. No. 2006-9, Sec. 2.)

3.12.03 Existing contracts Any existing contract or business relationships between any elected official and the city of Horseshoe Bend has been disclosed to the City Council, and each and every one should be, and hereby are, ratified and affirmed by this City Council as if this ordinance was in existence on the day the relationship was created. (Ord. No. 2006-9, Sec. 3.)

3.12.04 Existing contract after election If any elected official has an existing contract with the city, when they are elected to office, then the contract shall continue in force until the terms of the contract terminate, subject to the requirement that the elected official notify the Council of their interest in said contract, at the time they take office. (Ord. No. 2006-9, Sec. 4.)

CHAPTER 3.16

BIDDING PROCESS

Sections:

3.16.01 Waiver

3.16.01 Waiver The bidding procedures as set out in A.C.A. 14-58-303, shall be waived for purchases not exceeding Twenty Thousand Dollars ($20,000.00) when a majority of the City Council prior to the purchase being made has notice of and approves the purchase. (Ord. No. 2013-3, Sec. 1.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

4.04 Occupational Licenses
4.08 Electric Franchise

CHAPTER 4.04

OCCUPATIONAL LICENSES

Sections:

4.04.01 Annual occupation fee; payment required; coverage
4.04.02 Exemptions from ordinance provisions
4.04.03 Persons engaging in more than one business, etc.; fee for each business
4.04.04 Persons operating at more than one location; fee for each location
4.04.05 Lessees; list to be filed with Recorder/Treasurer; liability for tax
4.04.06 Number of employees; how determined
4.04.07 "Employed" defined
4.04.08 Twelvemonth period basis of tax; due dates; exemptions
4.04.09 License; issuance; posting; not transferable
4.04.10 Penalties
4.04.11 Enforcement clause
4.04.12 Schedule of license fees

4.04.01 Annual occupation fee; payment required; coverage The carrying on of any business, profession, or occupation of whatever kind or nature within the city of Horseshoe Bend, Arkansas, is hereby declared to be a privilege, subject to an annual license fee. From and after the effective date of this ordinance, any person, firm or corporation that maintains a business location within the city of Horseshoe Bend or engages in any business, profession or occupation of whatever kind or nature within the city, regardless of whether or not all functions peculiar to the business are affected within the city, shall pay an annual license fee. The license fee shall apply to all and shall not be limited to those businesses, professions or occupations as classified specifically by this ordinance. Each business, profession or occupation with no physical location within the city of Horseshoe Bend who conducts business within the corporate limits shall be required to procure an occupational license unless such person possesses a valid

occupational license from some other city in Arkansas. A copy of the current license from another city shall be furnished and a processing fee of Five Dollars ($5.00) only shall be charged. Also, for any license requested for a trade or business that also requires a state issued license, the requester shall furnish a copy of said state license and proof of insurance before the city license is issued. (Ord. No. 2006-5, Sec. 1)

4.04.02 Exemptions from ordinance provisions The following shall be exempt from the provisions of this ordinance:

A. Any individual employed full time on a salary or commission basis by one employer not offering his services to the public. This exemption applies to the employees only, and does not affect the amount of taxes due by employer whose tax is based on the number of employees.

B. Charitable or non-profit businesses and organizations and where no profit accrues to the benefit of any officer or employee. Such businesses and organizations may be required to furnish the Recorder/Treasurer proof of their non-profit status in the form of a State Charter or other documentation deemed appropriate by the Recorder/Treasurer. (Ord. No. 2006-5, Sec. 2)

4.04.03 Persons engaging in more than one business, etc.; fee for each business Any person, firm or corporation engaging in more than one business, occupation or profession shall be required to obtain a license and pay the fee for each business, occupation or profession. (Ord. No. 2006-5, Sec. 3)

4.04.04 Persons operating at more than one location; fee for each location If any person operates any of the businesses provided for herein at more than one location, each location shall be considered a separate business and a separate license therefore is required unless otherwise provided herein. (Ord. No. 2006-5, Sec. 4)

4.04.05 Lessees; list to be filed with Recorder/Treasurer; liability for tax Every person operating a business who shall lease to another, any department, space or facility on the premises shall file with the Recorder/Treasurer on or before the first day of January each year or at the time of leasing, a list of all such lessees, except residential. Each such lessee shall be liable for the license fee herein provided for the business, occupation or profession of such lessee. (Ord. No. 2006-5, Sec. 5)

4.04.06 Number of employees; how determined

A. Where the amount of occupation tax due hereunder is computed on the number of employees, the responsible person, firm or corporation shall report to the Recorder/Treasurer the number of employees (see employee definition below)

employed. An employee is any person whose gross earnings are Two Hundred Fifty Dollars ($250.00) or more per month.

B. Those designated employees who worked exclusively outside Izard County shall not be subject to such charge. (Ord. No. 2006-5, Sec. 6)

4.04.07 "Employee" defined "Employee" as used in this ordinance is defined as any person engaged in any business, profession or occupation under any appointment, agency, contract or hire, or apprenticeship expressed or implied, oral or written. (Ord. No. 2006-5, Sec. 7)

4.04.08 Twelve month period basis of tax; due date; exemptions The annual occupation fee shall be paid on the basis of a 12-month period beginning January I of each year.

A. Officer of the corporation shall pay the annual fee on January 1st each year.

B. Business beginning on other than January 1 must pay the fee in advance before opening business. (Ord. No. 2006-5, Sec. 8)

4.04.09 License; issuance, posting; not transferable

A. A Business License Application must be fully completed and signed to be accepted. Incomplete or unapproved applications will be returned. Business may not be conducted until a license is issued. Peddlers and transient merchants will complete a separate application to obtain a peddler's license. It shall be unlawful for any person to knowingly make a false statement in the application for any license required by city ordinance for the purpose of defrauding the city of the just license fees. If the application is denied, any fee paid shall be reimbursed minus a Five Dollar ($5.00) processing fee to defer application processing costs.

B. It shall be the duty of the Recorder/Treasurer, upon receipt of the amount of the license fee and the properly completed application as herein provided, to issue a license to the person, firm or corporation liable therefore, which license shall reflect the period of time covered, the name of the person, firm or corporation to whom issued; the location by street address where the person, firm or corporation plans to conduct business and the nature of the business, occupation or profession involved. The Recorder/Treasurer will not issue an occupation license to any person, firm or corporation who is delinquent in the payment of occupation license for preceding years; nor shall the Recorder/Treasurer issue an occupation license to any person, firm or corporation whose place of business does not conform with city zoning laws. Mistakes in computation or incorrect information given verbally as to the amount of the license fee due shall not prevent or prejudice as to the collection by the city of what is actually provided for as due under the provisions of this ordinance.

C. Each license when issued shall be posted in a conspicuous place where such business, occupation or profession is carried on. Said license shall not be transferable from one person, firm or corporation to another and such shall be reflected by said license. Said license shall not be transferable from one location to another without prior approval of the Recorder/Treasurer's office. (Ord. No. 2006-5, Sec. 9.)

4.04.10 Penalties Except as herein provided, all licenses issued under this chapter shall become due on January 1st of each year. If not paid by March 15th, a penalty of double the amount of the license fee provided will be assessed, also, if it becomes necessary for the city Recorder/Treasurer or other officials to go to the business to collect, a Five Dollar ($5.00) additional penalty will be imposed. All licenses shall be payable annually and except as herein provided, no license shall be issued for a longer period than one (1) year.

A. Timely payment of license fees due to the city. In those cases in which the amount of the occupation tax is based upon the number of employees, the employer (not the employee) will be responsible for payment of said fee.

B. The city reserves the right to withdraw any business license issued for violation of city codes, ordinances, substantiated written complaints, or any verified unlawful act under Arkansas state law such as fraud, violation of environmental regulations, or criminal activities. (Ord. No. 2006-5, Sec. 10.)

4.04.11 Enforcement clause It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business, profession or occupation within the City of Horseshoe Bend who fails and/or refuses to comply with any of the provisions of this ordinance and upon conviction shall be fined in an amount of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00) for each separate violation. (Ord. No. 2006-5, Sec. 11)

4.04.12 Schedule of license fees The schedule of license fees is hereby adopted by reference:

There is hereby adopted by reference a schedule of business license fees, such schedule of fees having been designed by the City Council of Horseshoe Bend. Copies of the referenced fee schedule shall be filed in the office of the Recorder/Treasurer and shall be available for inspection and copying by any person during regular business hours. The schedule of business license fees contains separately enumerated businesses and applicable fees, effective January 1, 2007. This schedule may be amended, changed or corrected by Council action, as necessary, to keep it current, applicable and equitable. (Ord. No. 2006-5, Sec. 12)

CHAPTER 4.08

ELECTRIC FRANCHISE

Sections:

4.08.01	Granted
4.08.02	Rights and responsibilities
4.08.03	Construction, operation and maintenance standards
4.08.04	Removal of encroaching growth
4.08.05	Term
4.08.06	Rates
4.08.07	Liability
4.08.08	Maintenance
4.08.09	Fee
4.08.10	Service to grantor
4.08.11	Individual facilities

4.08.01 Granted The city of Horseshoe Bend, Arkansas, (hereinafter called Grantor) hereby grants to the North Arkansas Electric Cooperative Corporation, its successors and assigns, (hereinafter called Grantee), the exclusive right, privilege, and authority within the present and all future expansion of the corporate limits of the city of Horseshoe Bend, Arkansas, except any portion which may be located within the legally allocated territory of another utility, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 80-5, Sec. 1)

4.08.02 Rights and responsibilities Grantee shall and does by acceptance hereof, agree to provide for the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve consumers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 1 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 1 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 80-5, Sec. 2)

4.08.03 Construction, operation and maintenance standards All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavation, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 80-5, Sec. 3)

4.08.04 Removal of encroaching growth The Grantee, its successors and assigns, is hereby given the Fight to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, and, further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property, but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 80-5, Sec. 4)

4.08.05 Term The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until terminated in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the state of Arkansas, as presently enacted or hereafter amended. (Ord. No. 80-5, Sec. 5)

4.08.06 Rates The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 80-5, Sec. 6)

4.08.07 Liability In the construction, operation and maintenance of the facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 80-5, Sec. 7)

4.08.08 Maintenance The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 80-5, Sec. 8)

4.08.09 Fee Beginning on January 1, 1981, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each month, a franchise fee in an amount equal to four and one-fourth percent (4.25%) of the preceding month's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the City of Horseshoe Bend, Arkansas. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise fee is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Horseshoe Bend, Arkansas, upon which said fee is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other fee or fees are imposed by Grantor, the obligation of the Grantee set forth in Section 4.09.09 hereof, to pay the city the sum of four and one-fourth percent (4.25%) annually of the gross residential and commercial electric revenues shall immediately terminate. (Ord. No. 80-05, Sec. 9, as amended by Ord. No. 94-3, Sec. 1)

4.08.10 Service to Grantor Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor.(Ord. No. 80-5, Sec. 10)

4.08.11 Individual facilities Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 80-5, Sec. 11)

TITLE 5

HEALTH AND SANITATION

Chapters:

5.04 Trash
5.08 Solid Waste Collection
5.12 Septic Tanks
5.16 Maintenance of Real Property
5.20 Tri-County Regional Solid Waste Disposal Authority

CHAPTER 5.04

TRASH

Sections:

5.04.01 Dumping unlawful
5.04.02 Burning unlawful
5.04.03 Penalty
5.04.04 Enforcement

5.04.01 Dumping unlawful It shall be unlawful for any person, firm or corporation to place, store or dump any form of trash, refuse, garbage, cans, bottles, paper, rags or any other kind of trash outside any building, public or private, or on public or private land.

5.04.02 Burning unlawful No person or persons shall kindle or maintain a bonfire or burn trash, lumber, leaves, straw or any other combustible material in any street or alley or on any premises or vacant lots, unless burning be done in covered receptacles of not more than one-fourth (1/4) inch wire mesh or of metal. The Chief of the Horseshoe Bend Fire Department may issue a general permit, by publication, during the seasons of the year, for the burning of leaves or other like materials outside the receptacles. All burning of materials permitted by this section shall be conducted on still days during daylight with an adult in constant attendance, and shall be done in a location at least ten (10) feet from any building or structure and where standing grass or weeds will not communicate fire to nearby property.

5.04.03 Penalty Any person, firm or corporation who shall violate the provisions of this chapter shall be deemed guilty of a misdemeanor and upon convictions, 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.

5.04.04 Enforcement The police and fire officers of the city and the City Health Officer are hereby authorized to enforce the provisions of this chapter.

CHAPTER 5.08

SOLID WASTE COLLECTION

Sections:

5.08.01	Definitions
5.08.02	Plastic or metal containers
5.08.03	Dumping and accumulation unlawful
5.08.04	Use of collection service required
5.08.05	Maintenance of bags
5.08.06	Closing of bags
5.08.07	Cardboard boxes
5.08.08	Special handling
5.08.09	Tampering with waste
5.08.10	Exceptions to Secs. 5.08.02(c) (2) and 5.08.04
5.08.11	Enforcement

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

Solid waste shall mean solid waste, garbage, trash, rubbish, debris of any nature, including without limitation, food waste, rejected animal or vegetable matter (whether or not intended for or resulting from the preparation of food), paper, clothing, grass, leaves, ashes, tin cans, bottles, solid waste of any nature whatever.

Residential solid waste shall include any solid waste generated by occupants of houses, buildings, and premises used exclusively for residential purposes.

Commercial solid waste shall include any waste generated as a by-product of any commercial and industrial operation.

5.08.02 Plastic or metal containers Every residential and commercial user shall utilize plastic bags or suitable plastic or metal container (as specified below) and number to hold the refuse which accumulates on the premises.

A. Plastic bag-specifications Plastic bags may be utilized as containers providing:

1. The total weight of any plastic or paper bag and contents shall not weigh more than 50 pounds.

2. The plastic bags shall be of approximately 2.0 mills weighing not less than 180 pounds for 1,000 bags and shall be approximately 33 inches by 40 inches flat size

B. Location of plastic bags and suitable containers Bags and containers shall be placed at the curb of the property on pickup dates and at the time as specified by the contractor.

C. Unauthorized handling of solid waste or its container is prohibited Commercial and industrial customers are required to subscribe to the contractor's service, at prices to be negotiated by the parties, subject to review of the council.

1. No one shall haul any refuse to contractor owned and operated disposal facilities from any source not within the city limits.
2. No pickups or hauling of solid waste shall be made except by city owned or authorized vehicles. Authorized vehicles shall be those as to which the owner has a written contract with the city.
3. Pickup crews shall not be required to pick up any loose solid waste, except that caused by their own negligence.
4. It shall be unlawful for any person, other than one legally authorized to do so, to remove, displace, injure, deface, destroy, uncover or in any manner move or disturb any solid waste receptacle or in any manner withdraw or disturb any part or portion of the contents thereof.
5. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not to exceed One Hundred ($100.00) Dollars and each day's violation shall constitute a separate offense.

D. Miscellaneous

1. All broken glass and other sharp objects shall be wrapped in paper or other material to prevent punching holes in the bags.

2. All residential solid waste shall be placed in plastic bags or suitable containers, provided, however, (i) small limbs not over two (2) inches in diameter and not more than six (6) feet in length, if tied in bundles of not more than two (2) feet in diameter, and (ii) cardboard boxes, if baled as hereinafter provided in Section 5.08.07, need not be placed in plastic bags or suitable containers and will be picked up.

3. Residents may utilize the services of the city's leaf vacuum and chipper equipment for leaves, tree and limb debris by requesting the service in advance through City Hall. The fees assessed for this service shall range in price from Ten Dollars ($10.00) to Fifty Dollars ($50.00). All requests for service shall be inspected by the Public Works Manager to determine the fee to be charged. If the Public Works Manager determines that the job will be larger, such as that work which might be contracted through a commercial tree service, than the fee for the service will be Fifty Dollars ($50.00) per hour. The customer will be advised of an estimated cost prior to the service being performed. Also, since all fees received for the above services are deposited in the Municipal Reserve Fund, it is hereby declared that all repair costs of the chipper and leaf vacuum equipment will also be charged to the Municipal Reserve Fund. (Ord. No. 2004-8, Sec. 1.)

5.08.03 Dumping and accumulation unlawful No person shall dump, or allow to accumulate, either directly or through an employee, agent or licensee, any solid waste in or upon any street, sidewalk, park, or other public place, vacant lot or other vacant space, or in or upon any premises, waterway, drainage basin or sewer within the city except contractor owned and operated land fill or disposal facilities and in accordance with the provisions of this chapter.

5.08.04 Use of collection service required All structures in the city in which persons reside or where any business, industrial, commercial or other enterprise is operated shall use the solid waste pickup services provided for by this chapter and pay the charges specified by the contract fixing the rates for such services and amendments thereto.

5.08.05 Maintenance of bags All plastic bags and suitable containers shall be kept in a clean and sanitary condition and area while being used and prior to placement for collection.

5.08.06 Closing of bags All plastic bags placed for collection shall be tied with wire tie closures or their equivalent before being placed at a location for pickup.

5.08.07 Cardboard boxes Cardboard boxes may be placed for residential collection in bundles, provided they are flattened and securely tied. Bundles shall be of such size as to be easily handled by one man and the bundles shall not exceed fifty (50) pounds in weight or maximum dimensions of four (4) feet square.

5.08.08 Special handling All waste materials, such as pesticides, acids, caustics, pathological waste, radioactive materials, ammunition, explosive materials, similar chemicals and harmful materials which require special handling and disposal to protect and conserve the environment and disposal equipment shall be disposed of as provided by the regulations of the agencies of the United States, the state of Arkansas, or the city pertaining thereto.

5.08.09 Tampering with waste The city may place trash receptacles upon the sidewalks and in the parks and other places for the reception of trash and it shall be unlawful for any unauthorized person to tamper with, damage, or deface any public trash receptacle for solid waste in the city. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed one Hundred Dollars ($100.00).

5.08.10 Exceptions to Secs. 5.08.02(c)(2) and 5.08.04 The city may permit city authorized vehicles to haul trees, leaves, appliances, motor vehicles, machinery and other items that are not practical for the regular solid waste pickup vehicles to handle, after paying any charge levied by the contractor and obtaining any permit required by the city.

5.08.11 Enforcement That the control, collection, removal, reduction, disposal, treatment and handling of refuse by residential and commercial users in accordance with the provisions of this chapter are hereby found to be essential to the public health, safety and welfare and any deviation therefrom is hereby found to constitute a hazard to the public health and safety of the inhabitants of the city.

Therefore, if any residential or commercial user fails to comply with the provisions of this chapter, the appropriate officials of the city shall institute appropriate proceedings in a court of competent jurisdiction to compel compliance. Furthermore, any residential or commercial user who fails or refuses to comply with the provisions of this chapter shall be promptly notified by the appropriate officials of the city of such failure, which notice shall specify the deficiency or deficiencies in compliance and shall set forth a period of time not less than five (5) days within which such deficiency or deficiencies are to be eliminated, and if such residential or commercial user does not correct the deficiency in compliance specified in the notice from the city, he shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed One Hundred Dollars ($100.00). Each day of failure or refusal after the time fixed in the notice of the deficiency in compliance shall be a separate offense. Provided, however, that the provisions hereof pertaining to a misdemeanor shall be effective only in the event that the city health officer or other duly designated individual or agency of the city finds and declares that failure on the part of the user involved to correct the specified deficiency at that time constitutes a hazard to the public health and safety of the inhabitants of the city.

CHAPTER 5.12

SEPTIC TANKS

Sections:

5.12.01	Definition of septic systems
5.12.02	City Building Inspector and State Sanitation shall be inspectors
5.12.03	Overflows unlawful
5.12.04	Conditions
5.12.05	Valid license and permit
5.12.06	Rules and regulations
5.12.07	Penalty

5.12.01 Definition of septic systems Includes septic tank(s) with leach lines or waste water treatment systems using evap-transpiration beds.

5.12.02 City Building Inspector and State Sanitation shall be inspectors. The State Sanitation and under his supervision the City Building Inspector shall be the inspectors and shall regulate the erection, building and maintenance of all septic systems now in use, or to be put in use, in the city and it shall be the duty of any person, persons, firm or corporation, intending to build or erect a septic system within the city limits to first make application to the City Building Commission. It shall be the duty of said inspectors to see that such septic systems shall be in conformity with the recommendations of the State Board of Health of the state of Arkansas.

All lands within the city limits of the city of Horseshoe Bend, Arkansas, whether a lot or acreage must have a legal perk test prior to obtaining water service or a building permit. If the property fails to perk then an authorized alternate septic disposal system must be proposed and approved by the city and State Department of Health, prior to provision of water service or building permit issuance. (Ord. No. 98-8, Sec. 1.)

5.12.03 Overflows unlawful It shall be unlawful to allow a septic system to overflow or drain on the surface of the ground or in any street or ditch within the city.

5.12.04 Conditions It shall be unlawful for any person, firm, corporation, partnership or association engaged in the business of septic tank cleaning to dump or discharge the contents removed from any septic tank onto any lands or water located within the limits of the city of Horseshoe Bend, except and unless all of the following conditions have been met, to wit:

A. A Disposal Permit shall have been obtained from the City Clerk's Office for the requested dumping or discharging and the location of the septic tank, the name of the owner and the address of the owner is entered upon said permit.

B. A Disposal Permit Fee of Ten Dollars ($10.00) shall be paid to the City Clerk for each instance of dumping or discharging.

C. The dumping or discharging shall be made only at the White Oak Treatment Plant located in said city.

D. The dumping or discharging shall be supervised by the Waste Water Treatment Operator of said city. (Ord. No. 87-8, Sec. 1)

5.12.05 Valid license and permit Any owner or owners of real property located within the limits of the city of Horseshoe Bend and upon which a septic tank and septic system is situated shall have the duty to ascertain that any septic tank cleaning business hired by such property owner shall possess a valid license issued by the Arkansas Department of Health pursuant to A.C.A. 17-38-103 and a valid Disposal Permit issued by the City Clerk pursuant to provisions of this ordinance. (Ord. No. 87-8, Sec. 2)

5.12.06 Rules and regulations. The City Clerk for the city of Horseshoe Bend shall promulgate rules and regulations for the administration of this ordinance and the collection of the fee provided for herein. (Ord. No. 87-8, Sec. 3)

5.12.07 Penalty Any owner or owners of real property located within the limits of the city of Horseshoe Bend and/or any person, firm, corporation, partnership or association engaged in the business of cleaning septic tanks without having complied with the provisions of this ordinance, or who shall fail or refuse to comply therewith, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) or imprisonment not more than thirty (30) days, or both. (Ord. No. 87-8, Sec. 4)

CHAPTER 5.16

MAINTENANCE OF REAL PROPERTY

Sections:

5.16.01	Unsightly or unsanitary conditions on real property
5.16.02	Refusal of owner to comply
5.16.03	Notice to unknown or non-resident owners
5.16.04	Enforcement of the lien for clearance by municipality
5.16.05	Removal or razing of buildings

5.16.06 Enforcement of lien
5.16.07 Notification of unknown or nonresident real property owner
5.16.08 Sale of any saleable materials
5.16.09 Proceeds of sale of any saleable materials
5.16.10 Fines to be imposed
5.16.11 Public nuisance; abatement

5.16.01 Unsightly or unsanitary conditions on real property All property owners within the city of Horseshoe Bend, Arkansas, are hereby required to cut grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to eliminate any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, rats or other type of animals which could be harmful to the health of the community. In addition, owners are further required to remove or raze any structures or buildings which in the opinion of the Cit Council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare. (Ord. No. 2000-5, Sec. 1.)

5.16.02 Refusal of owner to comply If the owner of the lot or other real property within the incorporated city limits shall neglect or refuse to remove, abate, or eliminate any condition as may be provided for under this ordinance, after having been given seven (7) days' notice in writing to do so, then the city is authorized to exercise one or both of the following options:

A. The Mayor, or his duly authorized representative, may prepare an affidavit for warrant of arrest and after it has been signed by the City Judge, serve it upon the owner of the property ordering said owner to appear before the City Court. If the owner is found guilty of refusal to comply with the notice and clean up property, the City Court may impose a fine of up to $50.00 per day for each day said property has not been cleaned up, with the total fines not to exceed the maximum, if any, provided by the laws of the state of Arkansas, and/or;

B. If the conditions described in a notice given are not removed or corrected within seven (7) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to corrector remove the conditions described in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs. (Ord. No. 2014-2, Sec. 2.)

5.16.03 Notice to unknown or non-resident owners

A. In case the owner of the lot or other real property is unknown or his or her whereabouts is not known or he or she is a non-resident of this state, then a copy of the written notice referred to herein above shall be posted upon the premises. Before in any action to enforce the lien shall be had, the recorder of the city shall make an affidavit setting out the facts as to the unknown address or whereabouts of non-residents.

B. Thereupon, service of the publication, as provided for by law against non-resident defendants, may be had. An attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence, if it can be found.

C. Except as provided in subsection and (B) above, notice as required by this provision shall be published, mailed, or delivered by the municipal recorder or such other person as designated by the governing body of the municipality. (Ord. No. 2000-5, Sec. 3.)

5.16.04 Enforcement of the lien for clearance by municipality

A. The lien provided for herein may be enforced and collected in either one of the following manners:

1. At any time within 18 months after work has been done, by an action in the Chancery Court; or

2. The amount of the lien provided for herein may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner of the property if the name and whereabouts of the owner are known. If the name of the owner cannot be determined, then the amount will be determined only after publication of notice of the hearing in a newspaper having bona fide circulation in the county where the property is located for one insertion per week for four consecutive weeks. The determination of the governing body is subject to appeal by the property owner in the Chancery Court. The amount so determined at the hearing, plus ten percent (10%) penalty for collection, shall be certified by the governing body of the municipality to the tax collector of the county where the municipality is located, and placed by him on the tax books as delinquent taxes, and collected accordingly. The amount, less three percent (3%) thereof, and so collected shall be paid to the municipality by the County Tax Collector.

B.

1. In any situation in which the city issues in order for the removal of razing of a building or house under the provisions of this ordinance and if such order is not complied with by the owner of the building or house, and the city then removes or razes the building or house, a lien is granted and given against the real property for the cost of the removal or razing.

2. In the lien granted by this subsection shall also being enforced pursuant to the enforcement procedures set forth in subsection (A) of this section. (Ord. No. 2000-5, Sec. 4.)

5.16.05 Removal or razing of buildings If the City Council determines that any buildings or houses have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare, then the City Council can order said property to be razed or removed. If the City Council determines that said property is in need of cleanup and/or razing, then a letter shall be written to be owner of said property and the owner of said property will have ten (10) days to correct the problem.

If the owner of the property disputes the finding of the City Council, then the owner must notify the Mayor or his duly authorized representative within five (5) days of receiving the letter and can present his appeal to the City Council at the next regularly scheduled meeting. If the owner then disagrees with the finding of the City Council, then he or she must appeal the decision to the Circuit Court within twenty (20) days of the City Council's decision. If the appeal is not perfected as set out herein, then the city can proceed immediately to clean up the property in accordance with the provisions contained herein. (Ord. No. 2014-2, Sec. 3.)

5.16.06 Enforcement of lien The lien herein provided for in Section 5.16.02 may be enforced at any time within eighteen (18) months after the work has been done by an action in the Chancery Court.

5.16.07 Notification of unknown or nonresident real property owner In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the Recorder/Treasurer shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents and thereupon service of publication as now provided for by law against nonresident defendants may be had. Provided, that it is not intended by this code to deprive any property owner or owners of the right to question the reasonableness of the resolution of the City Council as provided for herein; and any property owner or owners subject to the provisions of this section shall have the right to question and review the action of the Council in any court of competent jurisdiction by filing a proper action in such court within a period of thirty (30) days from and after notice to said property owner or owners as provided for herein and without the necessity of giving bond to abate the action of such resolution. The filing of an action in a court of proper jurisdiction to review the action of the Council in the passage of the resolution shall abate any action under the resolution until determined by such court. (Ord. No. 88-11, Sec. 4)

5.16.08 Sale of any saleable materials The Chief of Police or any other person or persons designated by the City Council to tear down and remove any such house, building and/or structure will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure or any saleable materials therefrom, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city to insure its removal.

5.16.09 Proceeds of sale of any saleable materials All the proceeds of the sale of any such house, building and/or structure or the proceeds of the saleable materials therefrom and all fines collected from the provisions set out in Section 5.16.08 shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure or the saleable materials therefrom, be sold for an amount which exceeds all costs incidental to the action taken under this code (including the cleaning up of the premises by the city, plus any fines imposed) the balance thereof will be paid by the City Treasurer to the former owner or owners of such house, building and/or structure.

5.16.10 Fines to be imposed A fine of Ten Dollars ($10.00) is hereby imposed against the owner or owners of any house, building, property and/or structure found by a resolution of the City Council to have become dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public welfare thirty (30) days after passage of such resolution and for each day thereafter said condition be not abated constitutes a separate and distinct offense punishable by a fine of Ten Dollars ($10.00) for each said separate and distinct offense, provided the notice as herein provided in Section 5.16.02 has been given within ten (10) days from date of the City Council resolution. When a property owner or owners shall have filed an action questioning and reviewing the action of the City Council in the adoption of the resolution as provided for in Section 5.16.02, then the fine herein provided for shall become effective when such action of the City Council in the passage of such resolution shall have been declared judicially effective by a court of competent jurisdiction, the fine herein provided for is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter condition complained of be not abated constitutes a separate and distinct offense punishable by a fine of Ten Dollars ($10.00) for each separate and distinct offense.

5.16.11 Public nuisance; abatement

A. It shall be unlawful for the owners, occupants, tenants, or lessees of any dwelling or place of business to allow garbage, trash or other litter to accumulate on premises, or to place or cause to be placed paper, cardboard or other litter in such manner as to cause unsightly or unsanitary conditions in the city.

B. Code Compliance Officers or their authorized representatives shall have the duty of notifying the owner, occupant, tenant, or lessee of a dwelling or place of business where one or more of the conditions described in subsection (A) of this section is found to exist.

C. It shall be the duty of the owner, occupant, tenant or lessee of such premises to correct said condition or conditions within thirty (30) days from date of receipt of such notice.

D. If the owner, occupant, tenant, or lessee fails to obey such notice and continues to maintain said prohibited condition or conditions, such person shall be deemed in violation of this section and shall be subject to the penal provisions contained in this chapter.

E. The provisions of this section are supplementary to, and do not amend or repeal the provisions of 5.16-01 through 5.16.03 of this code. (Ord. No. 2014-2, Sec. 4.)

CHAPTER 5.20

TRI-COUNTY REGIONAL SOLID WASTE DISPOSAL AUTHORITY

Sections:

5.20.01	Creation
5.20.02	Membership
5.20.03	Powers
5.20.04	Directors and votes

5.20.01 Creation That the city of Horseshoe Bend, Arkansas, shall join in the creation of a Tri-County Regional Solid Waste Disposal Authority along with the following counties, cities and towns:

Fulton County, cities of Salem, Viola and Mammoth Springs; Sharp County, cities of Ash Flat, Cave City, Evening Shade, Hardy, Sidney and Williford; Izard County, cities of Horseshoe Bend, Calico Rock, Franklin, Oxford, Melbourne, Pineville, Mount Pleasant and Guion. (Ord. No. 90-4, Sec. 1)

5.20.02 Membership That the city of Horseshoe Bend, Arkansas, is hereby authorized to become an initial member of the Tri-County Regional Solid Waste Disposal Authority. (Ord. No. 90-4, Sec. 2)

5.20.03 Powers That the powers of such authority shall be as follows:

A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of any real property, personal property, or mixed property of any and every kind that can be used or that will be useful in the controlling, collecting, storing, removing,

handling, reducing, disposing of, treating and otherwise dealing in and concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid waste to steam) and distributing such steam to users thereof or otherwise separating and preparing solid waste for reuse.

B. To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties.

C. To adopt an official seal and alter the same at pleasure.

D. To maintain an office at such place or places as it may determine.

E. To sue and be sued in its own name and to plead and be impleaded.

F. To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under Act 699 of 1979, including contracts with persons, firms, corporations and others.

G. To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, licenses, certificates or approvals as may be necessary and to construct, maintain and operate projects in accordance with and to obtain, hold and use, such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any person.

H. To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority thereof.

I. To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption and/or risks of damage to property.

J. To fix, charge and collect rents, fees and charges for the use of any project or portion thereof or for steam produced therefrom.

K. To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority.

L. To distribute steam produced by a project to any person, municipality or county.

M. To buy, sell, exchange, own and generally deal in real property, improved and unimproved, and buildings of every class and description.

N. To pledge or hypothecate any and all property of the authority both real, personal and mixed, owned or leased by the authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this authority.

O. To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto.

P. To do any and all other acts and things necessary, convenient or desirable to carry out the purposes and to exercise the powers granted to the Authority herein. (Ord. No. 90-4, Sec. 3)

5.20.04 Directors and votes That the number of directors of such Authority and the voting rights of each director shall be as follows:

The number of directors constituting the Board of Directors of the Authority shall be the same as the number of members of the Authority, with each member entitled to place one (1) director on the Board of Directors of the Authority. Each such director shall be entitled to one (1) vote on all matters relating to the affairs of the Authority. (Ord. No. 90-4, Sec. 4)

CHAPTER 5.24

RENTAL PROPERTY

Sections:

5.24.01	Landlord to maintain premises
5.24.02	Property Maintenance Code
5.24.03	Complaints
5.24.04	Drug Houses
5.24.05	Compliance with Business License Requirements
5.24.06	Right of Appeal
5.24.07	Violation and Penalties

5.24.01 Landlord to maintain premises Prior to renting any home, apartment or other structure to be lived in, the Landlord MUST insure that the structure complies with the following:

A. Structure must comply with any city codes that materially affect health and safety;

B. Ensure that the structure, and all common areas if any, are safe and fit for the use intended by the parties, and complies with all of the conditions contained herein below;

1. A roof that does not leak;
2. All walls, floors, stairs, and railings must be in good condition and are safe for use by the intended occupants;
3. An operable and lockable entry door providing unobstructed entry and exit.
4. Access to running water and reasonable amounts of hot water to the dwelling unit, including potable drinking water, with plumbing that does not leak and conforms to applicable building and housing codes in existence at the time of installation, and either provide municipal water and trash pick-up or ensure that tenant has signed up for these services.
5. Access to a working waste disposal system approved under applicable law with plumbing in compliance with applicable building and housing codes in existence at the time of installation.
6. That all electrical wiring and outlets are safe and in good working order and comply with the applicable building and housing codes in existence at the time of installation. Landlord must either provide electricity or ensure tenant has signed up for the services.
7. A safe and reliable source of heating which, at least, complied with the applicable building and housing codes in existence at the time of installation.

8. Except in the case of single family residence, a reasonable number of appropriate exterior receptacles for garbage and rubbish; and shall arrange for the removal of the garbage and rubbish.
9. Must ensure that the dwelling unit contains a minimum gross floor area of not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. In addition every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant.
10. Ensure that the Rental property and common areas are pest infestation free.
11. Ensure that a functioning smoke alarm that is battery powered, electrically powered, or both, is located on the premises and a functioning carbon monoxide detector is located on the premises if the unit has a fossil fuel burning heater or appliance, a fireplace, or an attached garage.

5.24.02 Property Maintenance Code The owner of the property shall be responsible for keeping the premises maintained in good condition and repair as stipulated in Municipal Code Chapter 5.16, and this Ordinance. No rental unit shall be occupied or continued to be occupied unless the structure in which said unit is located complies with the provisions and standards of the Horseshoe Bend Property Maintenance Code and is maintained in a structurally sound condition and kept free from health, fire, and other hazards to life and property. The Code Enforcement Officer shall be responsible for the compliance with the Ordinances.

A. If the Code Enforcement Officer finds that any provisions' of any City ordinance are being violated, the Code Enforcement Officer shall provide the owner written notice of the nature of the violation and order the action necessary to correct it Notice of violations involving imminent danger may be made by any means calculated to provide actual notice. All corrective action must be completed within thirty (30) calendar days of the date of notice of violation, unless an extension is granted.

B. Up to two (2) extensions may be granted where the Code Enforcement Officer has determined that the owner is making a good faith effort to complete required repairs or improvements to the property in a timely manner but is unable to comply due to the magnitude of the work, or can prove delays in receipt of materials or equipment, delays in a hired contractor's completing of such work, or delays due to weather or other matters beyond the owner's control.

C. In the case of imminent danger or fire hazards, structural failure or danger of imminent collapse, interruptions or failures in plumbing, heating, or electrical systems, or other hazardous situations, the Code Enforcement Officer may order immediate repair or correction and/or may order the premises vacated pending such repair or correction.

D. If at the conclusion of the period established for corrective action the violation has

not been adequately addressed according to code, the Code Enforcement Officer may issue citations in accordance with the provisions of this ordinance mld with the concurrence of the Mayor, have the rental unit vacated.

E. Units vacated under this section shall be posted with signs indicating that the unit has been determined to be "Illegal", or if applicable "Unfit for Habitation", and that occupancy is prohibited until the rental unit has been inspected to verify that any violation has been corrected.

F. Any person who defaces or removes a posted sign without the approval of the Code Enforcement Officer shall be deemed to be in violation of this ordinance.

5.24.03 Complaints All complaints should be filed in writing and addressed to the Code Enforcement Officer at City Hall, except the complaints related to potentially life or health threatening conditions which can be made in any form. The Code Enforcement Officer shall provide the results of any subsequent inspection to the person filing the complaint with a copy to the owner and/or managing agent. Complaints alleging violation of this ordinance may be filed with the Code Enforcement Officer by any of the following persons:

A. A tenant, if it concerns a violation prior to moving into the structure or a violation caused by the actions of the Landlord.

B. An owner of the propeliy adjoining or immediately across public road, measured by extension of the propeliy lines, from the propeliy upon which the violation is alleged to exist. Any other propeliy owner within the City of Horseshoe Bend may make a Complaint, but it is not mandatory that the Code Officer investigate the complaint without other information.

C. A city official or officer responding to a Police, Fire, Ambulance, or other legitimate call.

5.24.04 Drug Houses If a rental property is found, by local, state or federal police authorities, to have been used in the manufacture of illegal drugs, the rental house that came into contact with possible contaminants must be reported to Arkansas Department of Environmental Quality (ADEQ) by local authorities and the house will be decontaminated at the owners expense, and signed off by ADEQ authorities. Additional cost to remove hazardous materials during the initial investigation shall be assessed to the property owner.

Costs of enjoinment, abatement, prevention and damages may be recovered against a person or entity found to be the owner of the common nuisance property.

5.24.05 Compliance with Business License Requirements Every owner of two (2) or more Rental Units carrying on the business of operating Rental Units, or on whose behalf the business of operating such rental units is carried out, must register and receive a business license and comply with the requirements of Title 4 of the Horseshoe Bend Municipal Code, including, but not limited to, the business license tax requirements prescribed in that title.

5.24.06 Right of Appeal Any owner or Landlord which is aggrieved by the decision of the Code Enforcement Officer shall have the right to appeal such decision within twenty (20) calendar days from the date the decision is presented. An appeal in writing may be submitted to the Horseshoe Bend City Council to review the decision of the Code Enforcement Officer. The appeal process will be carried out in accordance with the powers vested in the City by State Statute.

5.24.07 Violation and Penalties Any person, firm, corporation, or other entity, convicted of violating any provision of this ordinance shall be guilty of municipal violation. Such person, firm, corporation, or other entity could be deemed guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued, or permitted. Upon finding that a violation has occurred, the property owner will be fined a minimum of $50 up to a maximum of$1,000.

TITLE 6

ANIMALS AND FOWL

Chapters:

6.04 Animals and Fowl
6.08 Animal Control Officer
6.12 Prohibited Animals
6.16 Animal Control Fee

CHAPTER 6.04

ANIMALS AND FOWL

Sections:

6.04.01 Maintenance of premises and disturbing noises
6.04.02 Restrictions on keeping
6.04.03 Rabies vaccination
6.04.04 Impounding
6.04.05 Restrictions on number
6.04.06 Penalty
6.04.07 Hunting prohibited in city
6.04.08 Penalty
6.04.09 Prohibited treatment; removal of mistreated animals; payment of expenses

6.04.01 Maintenance of premises and disturbing noises An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to other persons.

A. Confinement

1. An owner of an animal whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure or within a house, garage or other building, or shall confine such animal by a chain or leash affixed to the animal's collar and attached to some substantial stationary object adequate to prevent the animal from

running at large. It shall further be the duty of any owner or keeper of any animal to keep such animal under such control so as to:

a. Prevent such animal from becoming a danger to persons or property, or trespassing upon another person's property, or trespassing upon another person's property without that person's permission; and

b. Prevent such animal from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.

2. An owner of a vicious animal shall confine it within a building or secure enclosure and not release it therefrom unless it is securely muzzled. Any vicious animal trespassing or running at large is hereby declared a danger and may be impounded or ordered confined by the animal control authority. Further, in any prosecution of an owner or keeper of any such vicious animal for trespassing or running at large, the District Court may, upon conviction entered, order that such animal be humanely destroyed.

3. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes.

4. It shall be unlawful for any owner to allow his animal to enter any food store or place where food is exhibited for sale. All animals exempt by state or federal law are excluded from this provision. (Ord. No. 94-08, Sec. 5, as amended by Ord. No. 94-11, Sec. 3)

B. Licensing

1. All dogs and cats over three (3) months of age shall be licensed as provided herein. Application for a dog or cat license shall be made to the licensing authority and shall state the name, address and telephone number of the owner(s); the applicants shall provide proof of rabies vaccination and neutering from a licensed veterinarian.

a. Animal licensing fees are set out in 6.16.05. (Ord. No. 2010-2, Sec. 1.)

b. Application for a license must be made within ten (10) days after obtaining a dog or cat over three (3) months of age or within ten (10) days of establishing residency in the city. This requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than sixty (60) days.

c. For registered dogs serving disabled people or government-owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.

d. The licensing period shall be for one (1) year and run from January 1st to December 31st yearly.

e. Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferable from one dog or cat to another. (Ord. No. 99-09, Sec. 2.)

6.04.02 Restrictions on keeping No animals such as horses, cows, sheep, goats, chickens, rabbits, etc. other than household pets shall at any time be kept on any lot or land within the boundaries of the city, except within an area designated as stables of pasture for such animals by zoning ordinance.

6.04.03 Rabies vaccination

A. All dogs and cats over three (3) months of age within the city shall be vaccinated against rabies annually by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination approved by the animal control authority. Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferrable from one dog or cat to another dog or cat.

B. The health officer and the animal control authority may adopt such other rabies control regulations as they deem necessary for the protection of the public health and safety.

6.04.04 Impounding Any pet or domesticated animal which is found running loose within the city limits of the city of Horseshoe Bend, Arkansas, shall be picked up and held at the Animal Control Center of the city.

The city shall notify the owner of said animal in writing by certified mail, telephone, or actual physical notice of such pickup and that in the event the animal is not claimed within five (5) working days of the receipt of notice, said animal shall be disposed of either through

adoption or destruction; provided however, that this notice requirement shall only apply in such instances in which the owner's name and address are carried on the animal. In the event the name, address of the owner of the animal are not carried on the animal, the Animal Control Authority shall make inquiry to ascertain ownership, but not required to give actual notice to owner if Animal Control cannot determine the actual owner within two (2) days. The provisions for disposing of the animal will apply to any animal without further efforts to notify the "owner."

The Animal Control Center of the city of Horseshoe Bend, Arkansas, and/or the Animal Control Officer shall not be required to accept animals from outside the city limits.
(Ord. No. 2010-2, Sec. 2.)

A. If an animal impounded has not been reclaimed by its owner in accordance with the provisions of this code, such animal shall become the absolute property of the Animal Control Authority, which may convey ownership of such animal to any responsible person, on such conditions as the animal control authority may prescribe, or the Animal Control Authority may humanely destroy such animal.

B. In the event any animal at large is determined to be a danger to the health or safety of the community or is otherwise in violation of the provisions of the code and said animal cannot be captured by any safe means, the animal can be immediately destroyed as humanely as possible.

C. The Animal Control Authority shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed and that the animal may be destroyed or become the property of the Animal Control Authority as provided herein, only if the animal is wearing some type of identification such as rabies tag, hunting license, city license, tatoo, microchip or name tag showing owner's name, address and telephone number.

D. Notwithstanding any provision of this code to the contrary, the Animal Control Authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time period as the Animal Control Authority may determine.

E. Not withstanding any provision of this code to the contrary, the Animal Control Authority may humanely destroy an animal impounded in the animal shelter if the destruction of the animal is necessary to prevent disease or injury to other animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, or any other condition.
(Ord. No. 94-8, Sec. 7.)

6.04.05 Restrictions on number No person within the city shall keep more than three (3) pets over six (6) months of age as defined in Section 6.12.01, with the exception of (a) goldfish, (b) common aquarium fish, (c) parakeets, parrots, finches, canaries, whereby a pair will be counted as one (1) pet.

One (1) additional registered dog serving disabled people, or government-owned dogs used for law enforcement shall not be included in this restriction. (Ord. No. 94-08, Sec. 3)

6.04.06 Penalty Any person within the city who shall violate any of the foregoing provisions of this chapter shall upon conviction thereof, be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00) or a jail sentence of thirty (30) days or both such fine and jail sentence and when required by court, defendant shall make restitution to any person whose property is damaged by defendant's animal and/or animals running loose. (Ord. No. 92-05, Sec. 3)

6.04.07 Hunting prohibited in city It shall be unlawful for any person to, or attempt to, shoot, maim, wound, chase, take, possess or hunt any species of game bird or game or for bearing animal within the city limits of the city of Horseshoe Bend, Arkansas. (Ord. No. 81-11, Sec. 1)

6.04.08 Penalty Any person violating the provisions of Section 6.04.07 hereof shall be guilty of a misdemeanor and on conviction thereof, shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Three Hundred Dollars ($300.00). (Ord. No. 81-11, Sec. 2)

6.04.09 Prohibited treatment; removal of mistreated animals, payment of expenses

A. It shall be unlawful for any person to:

1. Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;

2. Fail to provide any animal with proper food, drink, protection from the weather and veterinary care; or

3. Abandon any animal;

4. Intentionally poison any animal;

5. Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;

6. Allow an animal to be kept in unsanitary conditions;

7. Keep or confine an animal in other than a humane manner.

B. The Animal Control Authority may remove any animal kept or confined under such conditions and may impound such animal.

C. No person shall operate an animal establishment in the city of Horseshoe Bend. (Ord. No. 94-8, Sec. 6)

CHAPTER 6.08

ANIMAL CONTROL OFFICER

Sections:

6.08.01	Animal Control Authority
6.08.02	Animal Control Center
6.08.03	Procedure if bitten
6.08.04	Penalty
6.08.05	Definitions

6.08.01 Animal Control Authority

A. The duties and responsibilities of the Animal Control Authority, an agency of the city of Horseshoe Bend, Arkansas. (Ord. No. 2014-6, Sec. 1.)

B. The person(s) assigned to the task and responsibilities of animal control shall be designated by the Mayor or designee and upon appointment must be certified to euthanize animals within forty (40) working days from the date of hire. (Ord. No. 2010-2, Sec. 3.)

C. The compensation of said designated officer of an animal control shall be determined by the City Council of Horseshoe Bend, Arkansas.

D. The assigned Animal Control Officer's duties shall include catching, impounding and/or disposing of, as hereinafter provided, all animals, licensed or unlicensed, strays and/or those running at large (including dead animals, domestic or wild) within the corporate limits of the city of Horseshoe Bend, Arkansas, and shall exercise such other duties and responsibilities relating to animals as are herein set out or shall be imposed by the Animal Control Division, but not limited to the following:

1. The Animal Control officer is not authorized to euthanize privately-owned pets. This task should be performed by a private veterinary clinic at the cost and selection of the pet owner.

2. The Animal Control Officer shall only euthanize animals, which are under the direct control of the Horseshoe Bend Animal Control Center.

3. No animal under the control of the Horseshoe Bend Animal Control Center shall be euthanized within five (5) working days of capture unless the animal exhibits one or more characteristics such as disease, injury, vicious or is uncontrollable, and it has been determined by the Animal Control Officer not to be a viable candidate for adoption.

4. The Animal Control Officer shall first attempt to adopt out animals by whatever means the Control Officer has at his/her disposal. The release of any animals under the control of Animal Control shall not be permitted without the consent of the Animal Control Officer or his or her immediate supervisor.

5. The Animal Control Officer, subject to the supervision of the Mayor or designee, is in charge of all operations of the Animal Control Center including supervision of contract cleaners, all volunteers, general maintenance of facility and grounds. (Ord. No. 2014-6, Sec. 1.)

6. The Animal Officer is to enforce municipal and state codes pertaining to animals, investigate reports of animal cruelty or neglect, noisy animals, and anything else pertaining to animals within the city limits of Horseshoe Bend, Arkansas. (Ord. No. 2010-2, Sec. 4.)

E. Any officer assigned to Animal Control or any police officer for the purposes of investigating a violation which said officer has reasonable cause to believe exists, having need of entering upon any property upon which and animal is being kept or harbored, shall make a lawful entry and request the exhibition of the proper license and rabies tag for such animal and if entry or exhibition of compliance is refused, or if compliance is found lacking, such officer may issue a citation and summons the owner of the animal to City Court of the violation.

F. It shall be the duty of the City Treasurer to keep or cause to be kept, accurate and detailed records of all monies collected by them or its officers, belonging to the city of Horseshoe Bend, Arkansas, which records shall be subject to inspection and audit as other city accounts and records. (Ord. No. 99-9, Sec. 6.)

G. Reclaiming impounded animals

1. The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this code, and upon payment of fees and charges as hereinafter provided, credited to the account of the Animal Control Authority and shall not be in lieu of any fine or penalty otherwise provided by law.

2. Owners who cannot provide proof of rabies vaccination at the time of reclaim will be allowed ten (10) days to obtain such proof. Horseshoe Bend owners will be required to obtain a city license.

3. The owner of an animal held by the Animal Control Officer or under his/her control shall be liable for all fees and charges, not withstanding the destruction or adoption of the animal. For fees on reclaimed animals see 6.16.07. (Ord. No. 2010-2, Sec. 5.)

4. Any animal adopted from the Animal Control Center shall be vaccinated for rabies, within ten (10) days and shall be spayed or neutered, and proof provided to the Animal Control Officer. Furthermore any animal adopted from the Animal Control Center within a period of seven (7) working days from date of adoption which displays signs of viciousness or uncontrollability may be returned to the Animal Control Center in exchange for another animal with surrender fees for the first animal being waived. (Ord. No. 2010-2, Sec. 6.)

5. Any person who fails to comply with the vaccination and neutering requirements of adoption will be in violation of this code.

H. Interference No person shall interfere with, hinder or molest the Animal Control Authority in the performance of its duty or seek to release any animal in the custody of the Animal Control Authority, except as herein provided. (Ord. No. 94-8, Sec. 8)

6.08.02 Animal Control Center A suitable place to be known and designated as the City Animal Control Center shall be established to carry out the provisions of this ordinance. The Mayor and designee may, at their discretion, contract for disposal of animals that have become the property of the city. (Ord. No. 92-6, Sec. 2)

The capacity of the Horseshoe Bend Animal Control Center, under normal circumstances, shall be limited to twenty (20) dogs and twenty (20) cats. However, in the event of an emergency such as a large influx of dogs and cats at one time, this number may be

increased at the discretion of the Animal Control Officer. The length of stay or captivity of either dogs or cats shall also be at the discretion of the Animal Control Officer; however, no animal in good health shall be kept for less than five (5) working days. (Ord. No. 2010-2, Sec. 6.)

6.08.03 Procedure if bitten Procedure in case of a bite by a warm-blooded animal.

A. Any person who has been bitten by a warm-blooded animal shall immediately notify the Izard County Sheriff Department, who will notify the Animal Control Officer. The animal shall then be captured and delivered to a licensed veterinarian for confinement and observation for at least ten (10) days.

B. Any confinement or observation expense incurred in the handling of the animal under this section shall be borne by the owner of the animal. In the event the animal is a stray and has no owner, the confinement and observation expense shall be borne by the person bitten and if a minor, by the parents or guardian of the minor.

C. If the animal is determined to be rabid, the person bitten and the City Health Officer shall be notified immediately by the licensed veterinarian who has made the finding of the rabid condition of the animal.

D. It shall be unlawful for any person bitten, the treating family physician or the veterinarian that has knowledge of a person bitten by a warm-blooded animal to refuse or fail to notify the Izard County Sheriff Department promptly. (Ord. No. 92-6, Sec. 3)

6.08.04 Penalty Any person or persons violating any of the provisions of this ordinance, upon conviction, shall be deemed guilty of a misdemeanor and fined in any sum of not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00). (Ord. No. 92-06, Sec. 5)

6.08.05 Definitions The following words and phrases have the following meanings for the purpose of this code:

Animal - Any description of vertebrate, excluding Homo sapiens.

Animal Control Authority - The Animal Control Division of the city of Horseshoe Bend, including its officers and employees. (Ord. No. 2014-6, Sec. 4.)

Animal establishment - Any pet shop, kennel, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians, veterinary clinics and hospitals, and licensed boarding and/or grooming kennels. (Ord. No. 2008-13, Sec. 1.)

Animal Control Center - Any facility designated by the city for the purpose of impounding and caring for animals held under the authority of this code.

At large - Any animal is at large when off the premises of the owner and not under the control of a responsible person.

Code - As used herein, "code" refers to the Horseshoe Bend Animal Control Code.

Control - Any animal shall be considered under control if it is confined on the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping, or is confined in an automobile when away from the premises of the owner, or is under direct control by owner or authorized person.

Cruelty to animals - A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly:

A. Abandons any animal;

B. Subjects any animal to cruel treatment;

C. Subjects any animal in his custody to cruel neglect; or

D. Kills or injures any animal belonging to another without legal privilege or consent of the owner.

E. As used in this section, "knowingly" shall mean the following: person acts knowingly with respect to his or her conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that such circumstances exist. A person acts knowingly with respect to the result of his or her conduct when he or she is aware that it is practically certain that his or her conduct will cause such a result.

Health officer - The designated official of the State Department of Health or any local health official whose duties may involve conditions or investigations relevant to animal control.

Humane manner - Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animals' size, species and breed.

Kennel - Any person who engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.

Licensing authority - Any agency or department of the city or any designated representative thereof charged with administering the issuance and/or revocation of certificates and licenses under the provisions of this code.

Neutered - Incapable of sexual reproduction.

Nuisance - An animal shall be considered a nuisance if it damages, soils, defiles or defecates on private property, other than the owner's, or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

Owner - Any person having a right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any remises occupied by that person over which that person has substantial control.

Person - Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

Pet shop - Any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they be kept as pets.

Private kennel - Any person, excluding kennels, pet shops and veterinary clinics and hospitals, who keeps, harbors or knowingly permits to remain on or about his premises, more than three (3)animals, over three (3) months of age.

Registered - An animal can be registered at City Hall if owner can produce proof of training by an individual or organization who specializes in training animals for disabled persons or law enforcement officers.

Restraint - An animal is under restraint if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

Veterinary clinic or hospital - A clinic or hospital operated by a licensed veterinarian.

Vicious animal - Any animal that attacks or bites humans or other domestic animals, or otherwise jeopardizes the well-being of humans or the domestic animals.

Wild animal - Wild animal means any living member of the kingdom Animalia, including those born or raised in captivity, except the following:

A. The species Homo sapiens (human beings);
B. The species Canis familiaris (domestic dogs, including hybrids with wolves, coyotes, or jackals);
C. The species Felis catus (domestic cats, excluding hybrids with ocelots or margays);
D. The species Equus caballus (domestic horses);
E. The species Equus asinus (asses/donkeys);

F. The species Bos taurus (cattle);
G. The subspecies ovis ammon aries (sheep);
H. The species Capra hircus (goats);
I. The subspecies Sus scrofa domestics (swine);
J. Domesticated races of the species Gallus gallus or Meleagris gallopavo (poultry);
K. Domesticated races of the species Mesocricetus auratus (golden hamsters);
L. Domesticated races of the subspecies Cavia aperea procellus (guinea pigs);
M. Domesticated races of rats or mice (white or albino, trained laboratory reared);
N. Domesticated races of the species Oryctolagus cuniculus (rabbits);
O. All captive-bred members of the species of the familes Psittacidae (parrots, parakeets);
P. All captive-bred members of the species Serinius canaria of the class Aves (canaries);
Q. Domesticated races of the species Carassius auratus (goldfish);
R. Captive-bred members of the superorder Teleostei of the class osteichthyes (common aquarium fish);
S. All species of the class insecta. (Ord. No.94-08, Sec. 1 and Exhibit A)

CHAPTER 6.12

PROHIBITED ANIMALS

Sections:

6.12.01 Generally
6.12.02 Dangerous Animal
6.12.03 Regulation of Dangerous Animals
6.12.04 Destruction of Dangerous Animals
6.12.05 Obstructing Officer
6.12.06 Use of Deadly Weapons

6.12.01 Generally No person shall own, keep or harbor any animal within the city limits (except as allowed by zoning ordinances) other than as follows:

A. The species Canis familiaris (domestic dogs, excluding hybrids with wolves, coyotes, or jackals);
B. The species Felis catus (domestic cats, excluding hybrids with ocelots or margays);
C. Domesticated races of the species Mesocricetus auratus (golden hamsters);
D. Domesticated races of the subspecies Cavia aperea procellus (guinea pigs);
E. Domesticated races of rats or mice (white or albino, trained laboratory reared);

F. Domesticated races of the species Oryctolagus cuniculus (rabbits);
G. Domesticated ferrets, provided that they have been properly vaccinated for rabies;
H. All captive-bred members of the species of the familes Psittacidae (parrots, parakeets);
I. All captive-bred members of the species Serinius canaria of the class Aves (canaries);
J. Domesticated races of the species Carassius auratus (goldfish);
K. Captive-bred members of the superorder Teleostei of the class osteichthyes (common aquarium fish);
L. Turtles and other small non-poisonous reptiles.
(Ord. No. 94-08, Sec. 2)

6.12.02 Dangerous Animal A dangerous animal is a dog or cat or other animal:

1. Which has previously attacked or bitten any person or domestic animal; or possesses a propensity to attack or bite man or domestic animal; or possesses the propensity to cause annoyance to persons using the public roads, streets and sidewalks; or has a propensity to chase, worry, other dogs, cats, or children, or cause any damage or injury; and (Ord. No. 2016-02, Sec. 1.)

6.12.03 Regulation of Dangerous Animals.

A. Any person responsible for a dangerous animal shall:

1. The owner of a dangerous animal shall not permit such animal to go unconfined on the premises of such person. A dangerous animal is *"unconfined"*, as the term is used in this Section, when such animal is not securely confined indoors or confined in a securely enclosed and locked (pad lock) pen or structure. Such pen or structure must have secure sides at least 6' high, have a secure top and constructed so that the dog cannot dig under the fence nor climb over the fence upon the premises of said person. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less that one (1) foot. Such pen or dog run shall be locked with a key or combination lock whenever such dog is within the pen or dog run.

2. Upon written complaint of an offended person that a dangerous animal is being harbored or cared for in violation of this Section, the Animal Control Officer shall make an on-sight inspection of the premises where the animal is kept. The officer shall then file a written report and shall issue a warning to the owner declaring the animal to be a dangerous animal with the reasons therefore and giving the owner five (5) days to comply with the provisions of this Section. Should the owner fail to comply after the five (5) day period, a citation shall be issued to the owner.

3. Post a notice on the premises in a place conspicuously visible to the public and reading in letters not less than two (2) inches high *"Dangerous (Dog or Cat)"* indicating the type of dangerous animal which is on the premises.
4. Any person who harbors, owns, or keeps a dangerous animal is prohibited from placing such animal on a tether, rope, or chain which is attached to a tree or any other immovable object.

B. A person responsible for a dangerous animal may take the dangerous animal from the place of confinement described in Subsection (A) (2) if that person places a secure muzzle on the animal, places the animal on a leash having a minimum tensile strength of six hundred (600) pounds and not exceeding (3) feet in length and in fact can control the animal to the point of it not injuring or threatening any human, animal or property.

C. Any dangerous animal found off the premises of a person responsible for it and not confined as in Subsection (A) may be seized by the Animal Control Officer, any Police Officer or other agent authorized by the Supervisor unless the animal is off the premises as permitted by Subsection (B) of this Section. Any dangerous animal which has escaped from its fenced enclosure may be impounded by the Animal Control Officers whether or not it has been returned to its enclosure at the time of impoundment. If impounded pursuant to this Subsection, the animal shall not be returned to the person responsible for it unless a court so orders.

D. In addition to or as an alternative to the penalty which may be imposed in violation of Subsection (A) of this Section, the court may order such dangerous animal euthanized upon showing by a preponderance of the evidence of facts demonstrating that the animal is within the definition of a dangerous animal and that it has not been confined as required in Subsection (A) of this Section regardless of whether it is so confined at the time of trial or was so confined at the time of impounding.

E. Upon written complaint of an offended person that a dangerous animal is being harbored or cared for in violation of this Section, the Animal Control Officer shall make an on-sight inspection of the premises where the animal is kept. The Animal Control Officer shall in his/her discretion seize the animal and issue a citation to the person responsible for such animal, or issue a warning to the owner, declaring the animal to be a dangerous animal with the reasons therefore and giving the owner five (5) days to comply with the provisions of this Section. Should the person responsible for the animal fail to comply after the five (5) day period, said animal shall be seized and impounded and a citation shall be issued to such person.

F. Any dangerous animal found by the court to be harbored or cared for in violation of this Section shall, in the court's discretion, be:
   1. Removed from City jurisdiction;
   2. Destroyed by the Animal Control Officer or other qualified personnel; or

3. The owner shall be required to comply with the provisions of this Section within a reasonable time or fined up to five hundred dollars ($500.00), or both.

G. No animal may be declared dangerous if the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner, or was teasing, tormenting, abusing or assaulting the animal, or has in the past been observed or reported to have teased, tormented, abused or assaulted the animal, or was committing or was attempting to commit a crime. Any known offender shall be reported to the Sheriff's Department.

H. Any dangerous animal which attacks a human being or another domestic animal may be ordered destroyed when, in the court's judgment, such dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals.

I. Any person found guilty of violating this Section shall pay all expenses, including shelter, food, veterinary expenses for identification or boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public, and such other expenses as may be required for the destruction of any such animal. (Ord. No. 2016-02, Sec. 1.)

6.12.04 Destruction of Dangerous Animals Any animal having dangerous or vicious propensities and tendencies found at large may be killed by any Police Officer of the City without such officer having to catch or impound such animal.

6.12.05 Obstructing Officer If any person shall interfere with, resist, hinder or obstruct the Animal Control Officer or any member of the Police force in the discharge of any duty imposed upon them by this Article, such person shall be deemed guilty of an ordinance violation. (Ord. No. 2016-02, Sec. 1.)

6.12.06 Use of Deadly Weapons The use of deadly weapons by animal control personnel is authorized and limited to the following circumstances:

1. Prior approval by the Animal Control Officer's supervisor.
2. Unavailability of a regularly commissioned Police Officer.
3. Exhaustion of non-lethal attempts at capture.
4. Subject animals must be aggressive, vicious dog bite suspect or rabies suspect, at large and posing clear immediate threat to public welfare.
5. n the instance of near fatal accidents to subject animal, use of a deadly weapon must be the most humane alternative of termination.
6. It shall be unlawful for the owner, keeper or harbored a dangerous animal that fail to comply to the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment.

7. Any person violating or permitting the violation of any provision of this Section shall upon conviction be fined a sum not less than Two Hundred Dollars ($200.00) and not more than One Thousand Dollars ($1,000). In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed thirty (30) days. The court shall order the dog removed from the City or destruction of said animal should the defendant refuse to remove the dog from the City, the judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of said animal. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses to include shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Section. (Ord. No. 2016-02, Sec. 1.)

CHAPTER 6.16

ANIMAL CONTROL FEE

Sections:

6.16.01	Fee on water bill
6.16.02	Expenditures
6.16.03	Authorization for fee
6.16.04	Fine
6.16.05	Licensing fees
6.16.06	Adoption fees
6.16.07	Impounding reclaiming fees
6.16.08	Surrender fees
6.16.09	Penalty

6.16.01 Fee on water bill There shall be charged to each water bill issued, a fee of Ninety-Five Cents (95¢) per month. (Ord. No. 93-1, Sec. 1)

6.16.02 Expenditures The funds collected from this charge described in 6.16.01 shall be expended only for the purpose of providing equipment, facilities and labor to provide adequate and proper animal control for the city of Horseshoe Bend, Arkansas. (Ord. No. 93-1, Sec. 2)

6.16.03 Authorization for fee This ordinance is based on the general police powers of the city. (Ord. No. 93-1, Sec. 3)

6.16.04 Penalty Any person, firm or corporation violating any provision of this ordinance or failing to pay any fee as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in the City Court of the city of Horseshoe Bend, Arkansas, shall be fined no less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) for each offense and conviction. (Ord. No. 93-1, Sec. 4)

6.16.05 Licensing fees Effective January 1, 2000, applicants shall pay annual license fees of Three Dollars ($3.00) for any neutered dog or cat and Ten Dollars ($10.00) for any unneutered dog or cat. License fees are collected by the Recorder/Treasurer of the city of Horseshoe Bend, Arkansas. (Ord. No. 2010-2, Sec. 8.)

6.16.06 Adoption fees Effective _____ applicants shall pay an adoption fee of Thirty Dollars ($30.00) per dog and Fifteen Dollars ($15.00) per cat. However, outside agencies such as ICARE, FRIENDS OF THE ANIMALS, CASTAWAY CRITTERS, and other animal organizations, with the approval of the Animal Control Officer, may remove animals for a

nominal fee of Ten Dollars ($10.00) per dog and Five Dollars ($5.00) per cat. However, these animals must be removed from the Animal Control Center and taken care of at the animal organization's own expense. (Ord. No. 2010-2, Sec. 8.)

All animals will be sterilized prior to adoption as stipulated in A.C.A. 20-19-103, the cost of sterilization will be added to the adoption fees and must be paid before the animal is sterilized and adoption is complete. (Ord. No. 2012-2, Sec. 1.)

6.16.07 Impound reclaiming fees There shall be a Ten Dollar ($10.00) pickup fee assessed by the Animal Control Officer for each animal picked up for the first time. Further, there shall be a Twenty Dollar ($20.00) pickup fee assessed for the second time said animal is picked up, and a Fifty Dollar ($50.00) pickup fee assessed for the third time said animal is picked up, and for all subsequent violations occurring within one (1) year of the first violation, there shall be assessed a One Hundred Dollar ($100.00) pickup fee. In addition to the pickup fee referred to hereinabove, there shall be a Six Dollar ($6.00) per day board charge assessed, plus a city license fee shall be charged if said animal does not have a required city license, plus any fine and costs assessed to any offender by the City Court. (Ord. No. 2010-2, Sec. 8.)

6.16.08 Surrender fees Before the Animal Control Center will accept an animal from a private pet owner for whatever reason a surrender fee of Seventy-Five Dollars ($75.00) will be assessed for the care of the animal. It is not the responsibility of the Animal control Center of the city of Horseshoe Bend to have to care for or try to find a home for privately-owned animals. This responsibility lies solely with the pet owner. (Ord. No. 2010-2, Sec. 8.)