

SUPPLEMENT NO. 1
CODE OF ORDINANCES
CITY OF BULL SHOALS

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August 2017

SUPPLEMENT NO. 1.1
CODE OF ORDINANCES
CITY OF BULL SHOALS

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MUNICIPAL CODE

**A Code of the General Ordinances
of the city of Bull Shoals, Arkansas**

Date of Incorporation

February 8, 1954

Date of Codification

September 2007

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

BULL SHOALS MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor

Ronald Richter

Recorder/Treasurer

Kimberly Williams

City Attorney

Roy Danuser

Prosecuting Attorney

Kenford Carter

City Judge

Judith Bearden

Police Chief

Michael Armstrong

Fire Chief

Brent Mitchell

Aldermen

Carol Coward

Hal Wolf

George Davis

Gary Sumner

Don Matejka

Bruce Powell

ORDINANCE NO. _____

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

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

Section 2. That all provisions of such code shall be in full force and effect from and after the _____ day of _____. All previously enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body.

Section 3. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

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

Section 5. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 6. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the 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 7. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of Bull Shoals to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 3 of this ordinance.

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

Section 9. It is hereby found that many of the ordinances of the city of Bull Shoals 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 Bull Shoals adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservations of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this _____ day of _____.

Mayor

(SEAL)

ATTEST:

Clerk/Treasurer/Recorder

LEGAL NOTICE

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

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

MAYOR

P R E F A C E

The Bull Shoals Municipal Code is a codification of the general ordinances of the city of Bull Shoals, Arkansas.

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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TITLE 1

GENERAL PROVISIONS

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- 1.04 How Code Designated and Cited
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CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Sections:

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Bull Shoals Municipal Code" and may be so cited. STATE LAW REFERENCE-See A.C.A. 14-55-701; et seq.

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

- 1.08.01 Rules of construction

1.08.01 Rules of construction. In the construction of this code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council. STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the State of Arkansas.

CITY. The words "**the city**" or "**this city**" shall mean the city of Bull Shoals, 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 Bull Shoals, Arkansas.

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Sections:

1.12.01 Subheadings of sections

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

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Sections:

1.16.01 Effect of repeal of ordinances

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

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

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

Sections:

1.20.01 Severability of parts of code

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

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.02 Amendments to code

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

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

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

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

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

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

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General Penalty

1.32.01 General penalty. The City of Bull Shoals Police Department is hereby authorized to enforce City Ordinance violations by issuing to violators a Notice of Violation giving the violators the option of paying the minimum fine or requesting a court date. Failure to pay the fine within the time specified in the Notice of Violation will result in the City of Bull Shoals enforcing said ordinances in accordance with the standard procedures for enforcing its other ordinances.

The penalties for such Notice of Violation shall be as follows:

- A. General Penalty. Any person, firm, or corporation violating any provision of this chapter, for which another penalty is not provided, shall be fined not less than \$100.00 or more than \$200.00 for each first time offense.
- B. Any person, firm or corporation violating any provision of this chapter for which another penalty is not provided shall be fined not less than \$200.00 or more than \$500.00 for each second and subsequent offense.
- C. Any person firm, firm or corporation accused of a violation of this chapter may settle and compromise the claim against him or her for such violation by paying in person, or by mail, to the City of Bull Shoals at 706 C.S. Woods Blvd. Bull

Shoals, Arkansas 72619, the following amount prior to the issuance of a formal citation/summons.

1. For first time offenses the fine structure shall be as follows:
 - a. If the violator pays the violation within seven (7) days of the date of the offense, the sum of \$25.00 with proof that the violation has been remediated.
 - b. After seven (7) days but within fourteen (14) days of the date of the offense, the sum of \$50.00 with proof that the violation has been remediated.
 - c. After fourteen (14) days but prior to the issuance of citation/summons, the sum of \$75.00 with proof that the violation has been remediated.

2. For second and any subsequent offense(s) the fine structure shall be as follows:
 - a. If the violator pays the violation within seven (7) days of the date of the offense, the sum of \$50.00 with proof that the violation has been remediated.
 - b. After seven (7) days but within fourteen (14) days of the date of the offense, the sum of \$100.00 with proof that the violation has been remediated.
 - c. After fourteen (14) days but prior to the issuance of citation/summons, the sum of \$150.00 with proof that the violation has been remediated.
 - d. After 14 days and prior to the issuance of a summons to appear in court, each day that the violation has not been remediated will constitute a separate violation and will be subject to fines and associated costs as deemed appropriate by the judge. (Ord. No. 2016-07, Secs. 1-2.)

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

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

1.36.01 Filing date. All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas, appearing on pages 1976 to 1984, inclusive of the Acts of the General Assembly of the State of Arkansas of the year 1925, must be filed with the City Clerk within thirty (30) days after passage of such ordinance. (Ord. No. 133, Sec. 1.)

1.36.02 Notice of Hearing. Whenever any referendum petition is filed the City Council shall give notice by publication for one insertion of a time not less than five (5) days after the publication of such notice at which they will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named the City Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Marion County within thirty (30) days to review its action. (Ord. No. 133, Sec. 2.)

1.36.03 City Council calls election. If the City Council of the city of Bull Shoals, Arkansas, finds that such petition is signed by the requisite number of petitioners, it may order a special election or place the question on the ballot at the next municipal general election to determine by vote of the qualified electors whether the ordinance shall stand or be revoked. The date for any special election shall be set less than ten (10) days after the order therefore has been named by the Council, and said special elections shall be had and conducted as municipal elections held in the city of Bull Shoals. (Ord. No. 133, Sec. 3.)

1.36.04 Upon defeat of ordinance. If any ordinance referred to the people is defeated at the polls, the City Council of the city of Bull Shoals, Arkansas, shall make a note of such fact and shall expunge such ordinance from its files by erasing the same with red ink. (Ord. No. 133, Sec. 4.)

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

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 City Council
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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 of Bull Shoals, Arkansas, shall operate as a city of the second class under the laws of the state of Arkansas.

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

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- 2.08.01 Map of city
- 2.08.02 Ward boundaries

2.08.01 Map of city. The boundaries and limits of the city of Bull Shoals, Arkansas, and of the various wards within said city shall be as set forth and described on the official map of the city of Bull Shoals which is on file in the office of the Recorder.

2.08.02 Ward boundaries

Ward 1: All persons living in the following area will be residents of Ward 1, which area is described as follows:

Beginning at a point in the center of State Highway (SH) 178 at the southern boundary of the city of Bull Shoals, go north and east on the centerline of SH 178 to Mockingbird Lane; then north on the centerline of Mockingbird Lane to Hollyhock Lane; thence west on the centerline of Hollyhock Lane to its end; thence west to the center of Bull Shoals Lake; thence south and west along the center of the watercourse to a point due west of the southern boundary of the city of Bull Shoals; thence due east to the boundary of the city of Bull Shoals; thence easterly along the city line to the point of beginning.

Ward 2: All persons living in the following area will be residents of Ward 2, which area is described as follows:

Beginning at a point on the centerline of State Highway 178, at the intersection of Mockingbird Lane, go north on the centerline of Mockingbird Lane to Hollyhock Lane; thence west on the centerline of Hollyhock Lane to its end; thence due west to a point in the center of Bull Shoals Lake; thence north, east and south on the center of the watercourse to Bull Shoals Dam; thence north and west on the centerline of SH 178 to the point of beginning.

Ward 3: Ward 3 shall be divided into two areas being known as Ward 3A and Ward 3B.

Ward 3A is described as follows:

Beginning at the intersection of State Highway (SH) 178 and Marilyn Drive; go west on the centerline of Marilyn Drive to Red Bud Avenue; thence south on the centerline of Red Bud Avenue to Rose Avenue; thence west on the north line of Rose Avenue and the north line of Lot 1, Laurawood Subdivision, to C.S. Woods Blvd.; thence north on the centerline of C.S. Woods Blvd. to Maple Avenue; thence west on the centerline of Maple Avenue to a trace connecting Maple Avenue and the southern end of Mockingbird Lane; thence southwest and north on the centerline of said trace to Mockingbird Lane; thence north on the centerline of Mockingbird Lane to Spruce Street; thence southwest on the centerline of Spruce Street to a trace connecting Spruce Street and Forest Circle; thence southwest on the centerline of said trace to Forest Circle; thence west and north on the centerline of Forest Circle to Shorecrest Drive; thence northwest on the centerline of Shorecrest Drive to SH 178; thence north, east and south on the centerline of SH 178 to the point of beginning.

Ward 3B is described as follows:

Beginning on the centerline of State Highway (SH) 178 at Bull Shoals Dam, go north on the centerline of SH 178 to Marilyn Drive; thence west on the centerline of Marilyn Drive to Red Bud Avenue; thence south on the centerline of Red Bud Avenue to Rose Avenue; thence west on the north line of Rose Avenue and the north line of Lot 1, Laurawood Subdivision, to C.S. Woods Blvd.; thence north on the centerline of C.S. Woods Blvd. to Maple Avenue; thence west on the centerline of Maple Avenue to a trace connecting Maple Avenue and the southern end of Mockingbird Lane; thence southwest and north on the centerline of said trace to Mockingbird Lane; thence southwest and north on the centerline of said trace to Mockingbird Lane; thence north on the centerline of Mockingbird Lane to Spruce Street; thence southwest on the centerline of Spruce Street to a trace connecting Spruce Street and Forest Circle; thence southwest on the centerline of said trace to Forest Circle; thence west and north on the centerline of Forest Circle to Shorecrest Drive; thence northwest on the centerline of Shorecrest Drive to SH 178; thence south on the centerline of SH 178 to the southern boundary of the city of Bull Shoals; thence east on the city line to the center of the White River; thence north in the center of the watercourse to Bull Shoals Dam; thence via the most direct route to the point of beginning. (Ord. No. 92-4, Secs. 1-3.)

CHAPTER 2.12

CITY COUNCIL

Sections:

- | | |
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| 2.12.02 | Order of Business |
| 2.12.03 | Presider at meetings |
| 2.12.04 | Ordinances and Resolutions |
| 2.12.05 | General Rules |
| 2.12.06 | Suspension of Rules |
| 2.12.07 | Reconsideration of Motions |

2.12.01 Meetings

- A. **Regular.** Regular meetings of the City Council shall be held on the last Thursday of each Calendar month beginning at 6 30 p.m. If this day occurs on a holiday or an emergency exists City Council may set an alternate date by majority vote for the meeting.
- B. **Workshop.** Regular Workshop meetings of the City Council shall be held on Monday 10 days prior to the regular City Council meeting beginning at 6:30 p.m. If this day occurs on a holiday or if an emergency exists City Council may set an alternate date by majority vote for the meeting.
- C. **Special.** Special meetings of the City Council may be called by the Mayor or by any three (3) Aldermen who shall make a request to the Recorder/Treasurer at least two (2) days prior (unless a critical/emergency situation exists) to the time specified for such meeting. Such request shall include the topic to be considered and a reason that consideration of said topic cannot be delayed. The person requesting the meeting shall be responsible for notification at least (2) hours prior, each Alderman and such media that have requested notice to be given of the time and purpose of such meeting and the names of the other requesting council members (ref ACA 25-19-106).
- D. **Place.** At meetings of the City Council. Including Special meetings shall be held in the Bull Shoals City Hall.
- E. **Quorum.** A majority of the member-elect including the Mayor shall constitute a quorum. but a lesser number may. adjourn from time to time or compel the attendance of absent members (14-43-501(c)(ii)) Prescribed manner and under such penalties.
- F. **Agenda.** Agenda items for the monthly workshop meeting must be received by the recorder treasurer by noon the day of the workshop. (Ord. No. 2015-02, Sec. 1.)

2.12.02 Order of Business The business of the City Council shall be conducted in the following order

1. Pledge of Allegiance
2. Call to order by presiding officer.
3. Roll Call.
4. Minutes of previous meeting.
5. Treasurer Report
6. Department Reports
7. Old Business
8. New Business
9. Mayor's Comments and announcements.

10. Public Input (all parties wishing to address the City Council for whatever reason shall be required to state their name and address for the record after which they will be afforded a period of three (3) minutes to state their concerns.
11. Adjournment (Meeting shall end by 8:30PM unless voted to extend for special circumstances) (Ord. No. 2015-02, Sec. 2.)

2.12.03 Presider at meetings

- A. Control of meeting. The Mayor shall preserve order and conduct the proceeding of the meeting following the guidelines of Arkansas Municipal Leagues Procedure! Rules for Municipal Officials
- B. Absence of Mayor. If the Mayor is absent from any meeting, the Recorder/Treasurer shall perform the function of this office or the City Council can vote for a presiding officer for that meeting. (ref ACA 14-42-111).
- C. Participation in debate. The presiding officer may speak upon any question recognizing that some discretion must be exercised so as not to override a fair opportunity for debate by members of the Council. (Ord. No. 2015-02, Sec. 3.)

2.12.04 Ordinances and Resolutions

- A. Reading Requirement — All bylaws and ordinances shall be read in full on three (3) different days unless two-thirds (2/3) of the members of the Council shall suspend the rule (ref. A.C.A. 14-55-202).
- B. Voting Requirements
 1. Passage of every bylaw, ordinance resolution or order to enter into a contract by the Council. the yeas and nays shall be recorded. (ref. A.C.A. 14-55-203(c).
 2. To pass any by-law ordinance. resolution or order a concurrence of a majority of the whole number of members elected to the Council shall be required [ref AC A 14-55-203.
 3. Any person or persons taking issue with an ordinance enacted by the City Council may within thirty, (30) days of publication of said ordinance file a referendum petition requesting reconsideration of said ordinance by fully stating reasons ordinance should be reconsidered within said petition.
 4. Emergency clause of any given ordinance shall only be executed if a true emergency exists (ref ACA 14-55-203 (c)(1)(C)).
 5. The Mayor shall have a vote to establish a quorum of the City Council and when his/her vote is needed to pass any ordinance bylaw resolution order. or motion (14-43-501(B)). (Ord. No. 2015-02, Sec. 4.)

2.12.05 General Rules

- 1 The deliberations of the City Council shall be conducted in accordance with the parliamentary rule contained in the Procedure; Rules for Municipal Officials published by the Arkansas Municipal League. Which Is hereby incorporated in this section by reference

- 2 Any Council member may bring a topic not on the agenda to the floor for discussion. (Ord. No. 2015-02, Sec. 5.)

2.12.06 Suspension of Rules These rules or any part thereof may be temporarily suspended in connection with matter under consideration by a recorded vote of two-thirds of the members. (Ord. No. 2015-02, Sec. 6.)

2.12.07 Reconsideration of Motions

- A When a motion or question has been decided It shall be in order for any member of the Council who voted on the prevailing side to move for reconsideration at the next succeeding meeting of the Council If a motion to reconsider is made at the succeeding meeting, then a majority of the Council is required to decide whether a motion or question is to be reconsidered.
- B A motion to reconsider any motion or question shall not be heard if it is not made at the succeeding meeting at which the original motion or question was proposed.
- C. If a motion or question is raised which had previously been decided by the Council but not at the same or at the succeeding meeting, then the Council in order to consider the motion or question must first vote to suspend the rules (as set forth in Section 2.12.04) to allow the question or motion to be brought before it.
- D. the Council votes to suspend the rules to consider a question or motion once the Council shall not vote to suspend the rules to consider the question or motion again until the beginning of the next scheduled meeting. (Ord. No. 2015-02, Sec. 7.)

CHAPTER 2.13

DEPUTY COURT CLERK

Sections:

2.13.01	Supervisors
2.13.02	Duties
2.13.03	Responsibilities
2.13.04	Qualifications
2.13.05	Certification
2.13.06	Professionalism
2.13.07	Education and Experience

2.13.01 Supervisors The Bull Shoals, Arkansas District and Deputy Court Clerk will be under the Administrative (Executive) branch of government and report to the Marion County District Court Judge and the Mayor of Bull Shoals. (Ord. No. 2014-04, Sec. 1.)

2.13.02 Duties The District and Deputy Court Clerk perform a wide variety of specialized clerical duties including, but not limited to:

1. Receive, review, process and prepare required court documents.
2. Maintain official records for court actions and proceedings.
3. Collect fees and fines
4. Certify documents
5. Attend Court sessions, record minutes and provide support proceedings.
6. Perform related duties as required.

Work is performed according to the established policies and procedures requiring the exercise of judgment. The District and Deputy District Court Clerk assures that the court runs smoothly in accordance with prescribed procedures. This position is under the direct supervision of the Marion County District Court Judge. The position ultimately falls under the final authority of the Mayor of the City of Bull Shoals. (Ord. No. 2014-04, Sec. 2.)

2.13.03 Responsibilities Responsibilities of the District and Deputy Court Clerk will consist of, but not limited to:

1. Administer all and direct non-judicial operations and functions of the Marion County District Court.
2. Record judgment, rulings, orders, documents and other criminal and traffic proceedings of the court.
3. Assist the judge during court.
4. Oversee all court documents.
5. Maintain court documents.
6. Input citations into computerized system.
7. Provide appropriate information in response to questions regarding case status,

- finances processes and appearances.
8. Assemble court docket.
 9. Issue and track continuances.
 10. Issue and track failure to appear, failure to pay and affidavit warrants.
 11. Issue summons and subpoenas.
 12. Issue administrative drivers license suspensions and reinstatements.
 13. Issue court ordered refunds.
 14. Remit dispositions to Driver Control and Arkansas Crime Information Center (ACIC).
 15. Be responsible for and handle large amounts of money.
 16. Receive fine payments.
 17. Reconcile receipts and monies collected and make deposited of same.
 18. Prepare and submit monthly reports to the Administrative Office of Courts.
 19. Maintain current warrant list on cities' website.
 20. Work with community Service Coordinator to keep track of Community Service time. (Ord. No. 2014-04, Sec. 3.)

2.13.04 Qualifications The qualifications for the District and Deputy District Court Clerk in order to perform this job successfully, an individual must be able to perform each duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. A basic knowledge of:

1. Modern office methods, practices, procedure and computer equipment.
2. Basic principles and procedures of record keeping.
3. English usage, spelling grammar and punctuation.
4. Basic business letter writing and report preparation.

And the ability to:

1. Learn the organization, procedures and operating details of a district court system.
2. Learn to perform specialized court clerk work under minimal supervision.
3. Learn to correctly interpret and apply the laws, codes, polices and procedures related to processing of court documents.
4. Work courteously with the general public both in person and on the telephone.
5. Maintain accurate records and files.
6. Make mathematical calculations quickly and accurately.
7. Make decisions in accordance with the laws, codes, ordinances, regulations and established policies
8. Handle and maintain confidentiality of information.
9. Type at a speed necessary for a successful job performance.
10. Pass a background check and physical exam/drug screen.
11. Accurately account for and maintain large amounts of money.
12. Organize, analyze and coordinate activities and documents.
13. Communicate clearly and concisely, both orally and in writing.

(Ord. No. 2014-04, Sec. 4.)

2.13.05 Certification To be a certified in the optional certification program a clerk must complete a minimum of twenty-eight (28) hours including instruction in these following areas:

1. Financial and accounting responsibility of the clerk
2. Filing and docketing responsibility of the clerk
3. Office and courtroom management, behavior and dress
4. Substantive law update, civil and criminal. (Ord. No. 2014-04, Sec. 5.)

2.13.06 Professionalism Professionalism for Court Clerk(s):

1. While some States have a specific code or standards that applies to nonjudicial employees Arkansas does not. The office of District Court Clerk is an integral part of the justice system. As a matter of practice, court clerks should conduct themselves in a professional manner.
2. On the matter of confidentiality, clerks should remember that cases are decided on their merits, Justice cannot be achieved unless all court employees maintain confidentiality. Matters discussed in confidence with the judge or attorneys should never be disclosed to members of the public. On the other hand, the clerk should remember the court system is a public institution. Members of the public have a right to attend sessions of court and have access to court records. Being an employee of the court system is a matter of public trust and the court clerk must uphold the integrity of the system.(Ord. No. 2014-04, Sec. 6.)

2.13.07 Education and Experience Education and/or Experience:

1. Completion of a standard high school program
2. Must be eighteen (18) years of age.
3. Must be a U.S. citizen.
4. No felony convictions or pending case(s).
5. Type error free approximately fifty (50) words per minute.

(Ord. No. 2014-04, Sec. 5.)

CHAPTER 2.16

RECORDER/TREASURER

Sections:

2.16.01	Offices combined
2.16.02	Term
2.16.03	Details of office
2.16.04	Recorder/Treasurer shall serve in three roles
2.16.05	General duties
2.16.06	City Recorder duties
2.16.07	City Treasurer duties
2.16.08	City Court Clerk duties
2.16.09	Other duties

2.16.01 Offices combined The office of the City Recorder and the office of the City Treasurer shall be combined into the office of Recorder/Treasurer, and one person shall hold said office. (Ord. No. 92-14, Sec. 1.)

2.16.02 Term The term of said office shall be for four years and this ordinance is adopted pursuant to A.C.A. 14-44-114. (Ord. No. 92-14, Sec. 2.)

2.16.03 Details of office Voters of the city of Bull Shoals elect a candidate to fill a four year term as Recorder/Treasurer. Interim vacancies are filled by the City Council. The Mayor is responsible for the activities of the office whenever the Recorder/Treasurer is absent or unable to function as Recorder/Treasurer. Anyone wishing to become Recorder/Treasurer must file as a candidate for the election, must meet surety bond requirements, must be a U.S. citizen, at least 18 years of age, and a resident of Bull Shoals who is qualified and eligible at time of filing. Must meet all state, county and city requirements for filing as a candidate.

The office holder is terminated upon defeat by the voters at a city election, upon death, or upon resignation. Nonfeasance in office and felony or other serious criminal violations provide justification for the City Council to seek termination of the office holder. Vacation and other time-off will be planned and scheduled with the Mayor. The Mayor and Recorder/Treasurer shall not be on vacation at the same time. The Recorder/Treasurer will keep the Mayor advised of planned time off and will call in when emergency time-off is required. (Ord. No. 96-7, Sec. 1.)

2.16.04 Recorder/Treasurer shall serve in three roles The Recorder/Treasurer shall serve as City Recorder, City Treasurer and City Clerk.

The Recorder/Treasurer shall supervise all employees designated and approved by the Council to work for the Recorder/Treasurer.

The Recorder/Treasurer shall use technical and practical skills in accounting, analysis, computer systems, computer operating, public relations, office machine operation, typing, and writing to perform the duties described below. (Ord. No. 96-7, Sec. 2.) (Ord. No. 2012-6, Sec. 2.)

2.16.05 General duties

- A. Respond to the needs of the residents, community, and city in a timely, economic, efficient, pleasant, ethical, legal, and professional manner.
- B. Comply with duties prescribed by state statues and county and city ordinances.
- C. Perform other duties the Recorder/Treasurer deems necessary for effective operation of the Recorder/Treasurer's office.
- D. Display a schedule of the Recorder/Treasurer's office regular business hours, Monday through Friday, in the hallway at City Hall.
- E. Assist with the administration and housekeeping at City Hall. Assist residents and visitors at City Hall who come to seek help with a problem or come to seek information. Maintain an organized and orderly office. Alert the Mayor to housekeeping and maintenance problems observed in and around the building. (Ord. No. 96-7, Sec. 2.)

2.16.06 City Recorder duties

- A. **Fill in as Mayor** Perform the function of a magistrate and have all the powers and jurisdiction of the Mayor whenever the Mayor is absent or unable to function as Mayor.
- B. **Meetings** Attend all Council meetings and make a fair, accurate and correct record of all proceedings, appointments, laws, rules, and ordinances made and passed by the Council. Maintain detailed records of attendance and Council voting. Preside at Council meeting in the absence of the Mayor.

Serve as recorder at other meetings when requested by the Mayor or City Council.

Attend meetings outside the city when approved by Mayor or City Council.
- C. **Records** Maintain the official records of the city and city created departments, districts and commissions, including but not limited to, Council minutes of meetings and voting records, bond issues, financial reports, city licenses, city permits (includes building), city ordinances, city resolutions, tax assessments, contracts, leases, city policy manuals, and all other legal records of the city.

1. Assure that all necessary authenticating signatures and dates are included on official documents requiring authentication.
 2. Assure that records are stored in a manner which permits prompt retrieval and sound preservation.
 3. Prepare and certify copies as official records upon request.
 4. Assure that proper procedures are followed for the destruction of all official records.
 5. Prepare and submit reports and records required by county, state, and other entities in a timely manner.
- D. **Public Notices and Announcements** Responsible for all legal public notification of city activities, including, but not limited to, (1) preparing and posting local notices, (2) making formal media contacts, (3) arranging for all newspaper announcements and publications. Maintain detailed record of contacts. (subject, date, time, media and contact name).
- E. **Building Permits** Maintain the city's official copy of building permits which include the record of fees paid, all signatures required, and details of inspections. Submit annual report to County Assessor.
- F. **City Licenses Issued** Maintain the official record of all licenses issued by the city, except for the peddler licenses which are maintained by the Police Department. Report to the Mayor and City Council when city license renewal is delinquent. Continue reporting the delinquency monthly until Council takes action.
- G. **Licenses Purchased by the City** Alert the Mayor and City Council when licenses required of the city are within thirty days of expiration, except for the water and sewer license which are the responsibility of the Water and Sewer Department. Continue reporting monthly until the issue is resolved.
- H. **Contracts** Execution of contracts approved by the City Council shall be performed by the Mayor and Recorder.
- I. **Municipal Depository Board** The Mayor and Recorder shall constitute a board to designate depositories and supervise the depositing of municipal funds.
- J. **Firemen's Relief and Pension Board** Serve on the board as ex officio secretary. Prepare and distribute the quarterly and annual reports and all other data required of the board.

- K. **Surety Bonds** Maintain a record of city, officer and employee coverage. Present annual review to Mayor and Council at least sixty days before coverage lapses.

2.16.07 City Treasurer duties

- A. **Chief Financial Officer** Responsible for fiscal affairs of the city and commissions including, but not limited to, the Parks Department.
- B. **Internal Control** Establish a system of internal control that prevents the misuse of cash and cash equivalent resources, inventories and all other assets of the city. Report any apparent weakness in the controls to the Mayor and City Council and implement corrective action as directed. The Recorder/Treasurer shall take at least one continuous week of vacation each year as an internal control measure.
- C. **Accounting System** Maintain an accounting system that meets or exceeds the Arkansas state statute standards and satisfies the needs of the city. Prepare meaningful reports from the accounting data in a timely manner.
- D. **Bank Accounts** Oversee all bank accounts. Determine that all bank statements are reconciled, that interest earnings and other credits are accurately and correctly reported on each statement, that bank charges which may appear on the statement are authorized and the amount is correct, and that all signature cards on file at the bank are current.
- E. **Revenue** Have a working knowledge of all revenue sources available to the city. Verify that all possible revenue is being received. Responsible for the accuracy of all revenue received, including county and state distributions, and for the proper recording of such revenue.
- F. **Accounts Receivable** Confirm that all material and services provided by the city are invoiced and that sound collection procedures are being followed. Report to Mayor and City Council accounts that have balances outstanding sixty (60) days after invoice/billing date.
- G. **Expenditures** Responsible for the accuracy and accounting for all expenditures made by the city. Verify the purchase authorization. Verify receipt time, quantity and quality. Verify invoice quantity, quality and terms. Pay invoice in a prudent manner to protect city's credit reputation, to meet credit terms, and to take advantage of discounts when warranted.
- H. **Accounts Payable** Maintain a complete file of "invoices to be paid." Report to Mayor and City Council any delinquent accounts (invoices paid or to be paid fifteen or more days after invoice due date) and any discounts missed by the city on invoices with discounts over \$20.00.

- I. **Salary and Wages** Serve as paymaster for the city. Verify that each individual is an authorized member of the work force and has an authorized rate of pay. Verify reporting time and authorization of any reported overtime. Prepare payroll, distribute pay checks, and record data in the accounting system. Maintain payroll records for each individual. Record and pay all payroll taxes and employment costs.
- J. **Budgets** Maintain a record of the initial budget approved by the City Council each year and the current budgets with revisions approved by the City Council. It shall be the duty of the Recorder/Treasurer to notify the Mayor and City Council at the next special or regular Council meeting, when a budgetary line item is within five (5) percent of being over budget. (Ord. No. 96-7, Sec. 1 and Ord. No. 98-8.)
- K. **Cash Flow Projections** Prepare monthly projections of cash balances for each bank account. Advise the Mayor and City Council of any problems that appear to be developing.
- L. **Reports for the Mayor and City Council**
 - 1. Prepare and distribute monthly financial reports to the Mayor and City Council in timely manner (target is ten days after the end of the month).
 - a. Revenue (current month and year to date)
 - b. Expenditures (current month and year to date)
 - c. Budget variances (current month and year to date)
 - d. Cash flow projections
 - e. Delinquent accounts receivable (accounts with a balance outstanding 60 days after billing date).
 - f. Delinquent accounts payable (payments made fifteen days after the due date during the month).
 - g. Invoice discounts missed during the month for invoices that allowed discounts over \$20.00
 - h. Treasurer's statement on the financial condition of the city, at least once each quarter
 - 2. Other reports when requested by the Mayor or City Council. (Ord. No. 96-7, Sec. 3.)

2.16.08 Reserved (Ord. No. 2012-6, Sec. 2.)

2.16.09 Other duties Perform other duties which may be prescribed by state statute or county and city ordinances. (Ord. No. 96-7, Sec. 5.)

CHAPTER 2.20

CITY ATTORNEY

Sections:

2.20.01 Appointment

2.20.01 Appointment. The office of the City Attorney shall be yearly appointed by the City Council of the city of Bull Shoals, Arkansas. (Ord. No. 04-01, Sec. 1.)

CHAPTER 2.24

FIRE DEPARTMENT

Sections:

2.24.01 Mayor
2.24.02 Appointment of Fire Chief
2.24.03 Election of other officers
2.24.04 Officer in command
2.24.05 Vacancies
2.24.06 Removal
2.24.07 Meetings
2.24.08 Compensation
2.24.09 Pensions
2.24.10 Records
2.24.11 Service out of city
2.24.12 Rules by Council
2.24.13 Rules by department
2.24.14 Duties of Fire Department
2.24.15 Location of fire hydrants
2.24.16 Equipment

2.24.01 Mayor The Fire Department shall be under the control and supervision of the Mayor. (Ord. No. 2012-1, Sec. 1.)

2.24.02 Appointment of Fire Chief. The Mayor and firemen by majority vote shall recommend to the City Council the appointment of the Fire Chief. (Ord. No. 2012-1, Sec. 2.)

2.24.03 Election of other officers The firemen at their regular meeting in December every two (2) years shall elect no more than two (2) assistant chief(s). The assistant chiefs shall have the ranking of assistant chief one (1) who shall be the ranking officer under the Chief's position. If there are two (2) assistant chiefs, he/she shall be designated assistant chief two (2) and will be the third ranking officer on the Department. They shall also elect one (1) captain, one (1) lieutenant and a secretary and such other personnel as required to hold office for the term of two (2) years beginning January 1 and ending December 31 two years later. (Ord. No. 2012-1, Sec. 3.)

2.24.04 Officer in command The Chief shall be the officer highest in command and next in command shall be the assistant chief and in the absence of both, the next officer in rank, whom the Chief shall designate, shall assume command of the department. (Ord. No. 2012-1, Sec. 4.)

2.24.05 Vacancies The Chief of the Fire Department shall fill all vacancies in the Fire Department. Appointees will serve a probationary period of six months. If the appointee completes the probationary period the Fire Chief will recommend to the City Council that the new fireman be put on permanent status. The new fireman must become state certified within six months after receiving the permanent position. (Ord. No. 2012-1, Sec. 6.)

2.24.06 Removal If any fireman refuses or neglects to attend any fire, without submitting a sufficient and satisfactory excuse to the Chief of the Fire Department, or neglects or refuses to do his duty as a fireman, or disobeys the orders of the Chief or his proper commanding officer, or shall leave his post of duty at a fire, without permission of the Chief or officer in charge, or violate or ignore any rule or regulation established by the Council, he shall be subject to expulsion from the Fire Department, either by action by the Fire Chief or by the City Council. (Ord. No. 2012-1, Sec. 7.)

2.24.07 Meetings There shall be held not less than two (2) meetings each month for the purpose of instructing, training and maintenance of fire equipment and fire station. All members shall attend unless excused for reasonable cause. (Ord. No. 2012-1, Sec. 8.)

2.24.08 Compensation The City Council, reimbursing expenses through an Accountable Plan, sets the compensation for attending emergency calls, meetings and/or drills at a certain dollar amount by an over-all percentage made by the members of the Fire Department. (For the purpose of this ordinance, emergency calls, meetings and drills shall be referred to as EMD's.) Any member who attends a total of 10% of the year's EMD's will receive one hundred and fifty dollars (\$150) in reimbursement. Any member who attends 11% through 20% of the

year's EMD's will receive three hundred dollars (\$300) and any member who attends 21% or more of the EMD's will receive five hundred dollars (\$500) in reimbursement. Any new member who leaves the Fire Department prior to completion of their six (6) month probationary period will not receive compensation for any EMD's that they had attended during their six (6) month probationary period, has attended and completed their state certified classes will be compensated for the EMD's made by them during their six (6) month probationary period. Compensation will be based off EMD's made between the months of November of the prior year and October of the current year and is disbursed in November each year. (Ord. No. 2012-1, Sec. 8.)

2.24.09 Pensions LOPFI (Police and Firemen's Pension Fund) becomes effective after the appointee has completed the probationary period, approved by the City Council and placed in a permanent position. (Ord. No. 2012-1, Sec. 9.)

2.24.10 Records The Fire Chief and the secretary of the Volunteer Fire Department shall keep a record and list of the names of the members who attend the monthly meetings and who perform services at each fire, and they shall submit a full statement of the number of fires attended by each member each month to the City Council at its next regular meeting. Ord. No. 2012-1, Sec. 10.)

2.24.11 Service out of city The Bull Shoals Volunteer Fire Department is authorized to collect fees outside the city limits of Bull Shoals, Arkansas. The Bull Shoals Volunteer Fire Department is also authorized to enter into a compact or covenant to render service to nearby communities including but not being limited to Lakeview, Fairview, Flippin, and Yellville, Arkansas, and to render such services upon whatever terms and conditions that may be agreed upon by said Bull Shoals Volunteer Fire Department and such other community or communities. (Ord. No. 2012-1, Sec. 11.)

2.24.12 Rules by Council The Council may adopt such rules and regulations, in regard to the Fire Department, not inconsistent with the ordinances or the laws of the state as the Council shall deem advisable. (Ord. No. 2012-1, Sec. 12.)

2.24.13 Rules by department The Fire Chief may adopt such rules and regulations, in regard to the Fire Department, not inconsistent with ordinances or the laws of the state, as he deems advisable, but the Council shall approve such rules and regulations, or changes in such rules and regulations, before being effective. (Ord. No. 2012-1, Sec. 14.)

2.24.14 Duties of Fire Department The Fire Department shall be under the control and direction of the chief of the Fire Department or, in his absence, shall be under the control and direction of the next ranking officer. Upon an alarm of fire the members of the Fire Department shall proceed to the place of the fire, with the necessary apparatus in their charge, and there work and manage the same under the direction of the Chief or his assistant, and use such apparatus, in the most effective manner until the fire is extinguished and shall not move there from except by permission of the officer in command, and on such permission they shall return the fire apparatus to its place of occupancy. (Ord. No. 2012-1, Sec. 15.)

2.24.15 Location of fire hydrants Members of the Fire Department shall commit to memory the location of all fire hydrants and be familiar with the name and location of the streets and avenues of the municipality. (Ord. No. 2012-1, Sec. 16.)

2.24.16 Equipment It shall be the duty of the firemen under the supervision of the Fire Chief to maintain all fire equipment and the fire station in a clean and satisfactory condition at all times. (Ord. No. 2012-1, Sec. 16.)

CHAPTER 2.25

FIRE REGULATION

Sections:

2.25.01	Interference with firemen
2.25.02	Right-of-way
2.25.03	Fire Department building
2.25.04	Vehicle at fire
2.25.05	Authority on scene
2.25.06	Following a fire vehicle
2.25.07	Hoses
2.25.08	Destruction of property
2.25.09	Perilous premises
2.25.10	Penalties

2.25.01 Interference with firemen It shall be unlawful to hinder or interfere with any police officer or fireman in the performance of his duty at a fire, or going to or returning from a fire or while attending to his duties as a member of the Fire Department. (Ord. No. 2012-02, Sec. 1.)

2.25.02 Right-of-way Fire equipment shall have the right-of-way on all streets in going to a fire and every bicycle, motorcycle, automobile, truck and motorized vehicle be it gas, diesel or electrical driven on the approach of any fire equipment, shall immediately draw up to the curb or the side of the street and remain stationary until the Fire Department equipment has passed. All pedestrians, except for firemen along a street on which the Fire Department is passing, shall remain on the sidewalk and away from the street intersection. (Ord. No. 2012-02, Sec. 2.)

2.25.03 Fire Department building It shall be unlawful to park or leave standing any bicycle, motorcycle, automobile, truck or vehicle of any kind in front of the Fire Department building, overhead doors or driveway. Parking areas for private vehicles will be designated by the Fire Chief. (Ord. No. 2012-02, Sec. 3.)

2.25.04 Vehicle at fire It shall be unlawful for any vehicle of any kind except vehicles driven by police officers, firemen or employees of the municipality whose duty it is to be at fires

to enter the block in which the Fire Department building is situated after a fire alarm has been sounded, until department equipment has left the block on its way to the fire. (Ord. No. 2012-02, Sec. 4.)

2.25.05 Authority on scene No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, fire department official or other authorized officer at the scene of a fire alarm call. (Ord. No. 2012-02, Sec. 5.)

2.25.06 Following a fire vehicle The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into the block the fire apparatus has stopped in answer to a fire alarm. (Ord. No. 2012-02, Sec. 6.)

2.25.07 Hoses No person shall drive or move a vehicle over any unprotected hose of the fire department when laid down on any street or private driveway unless he has obtained the consent of the fire department official in command. (Ord. No. 2012-02, Sec. 7.)

2.25.08 Destruction of property It shall be unlawful to cut, deface, destroy or injure any fire hose, wires, poles, signal boxes, key boxes or any other property or fixtures belonging to or connected with the fire department safety and/or the fire alarm system, or give or make, or cause to be given or made, any false alarm of a fire. (Ord. No. 2012-02, Sec. 8.)

2.25.09 Perilous premises Any building, structure, enclosure, place or premises, perilous to life or property by reason of the construction of such building or structure or by reason of the condition or quantity of its contents, or the use of the building or its contents, or the use of the enclosure or the overcrowding at any time of persons therein, or by reason of deficiencies in such fire alarm or fire prevention equipment, as may be required by fire regulations or where conditions exist which would hamper or impede the fire department in combating a fire in or on the building, is hereby declared to be a nuisance. (Ord. No. 2012-02, Sec. 9.)

2.25.10 Penalties Any person convicted for a violation of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. ASA 14-55-504 limits municipal fines to one thousand dollars (\$1,000.00) for the first offense or two thousand dollars (\$2,000.00) for a repeated violation, but a fine not to exceed five hundred dollars (\$500.00) per day for each the violation continues. In addition any person convicted for a violation of the provision of this Ordinance may be imprisoned in accordance with Section 14-55-602 ASA.

CHAPTER 2.28**POLICE DEPARTMENT****Sections:**

2.28.01	Established
2.28.02	Department organization
2.28.03	Chief of Police - duties and responsibilities
2.28.04	Method of appointments
2.28.05	Disciplinary actions
2.28.06	Emergency actions
2.28.07	Living within limits

2.28.01 Established There is hereby established the Police Department of the city of Bull Shoals, Arkansas, organized under the general superintendence of the Mayor, which shall consist of the Chief of Police and such police officers as the City Council shall deem necessary. It shall be the duty of the Police Department to preserve the peace of the city, to secure the citizens therein from personal violence, and safeguard their property from fire and unlawful deprecations (A.C.A. 14-52-101). The Mayor, in accordance with Arkansas Code 14-42-110 shall appoint the Police Chief and other members of the Police Department pursuant to the provisions of this ordinance and A.C.A. 14-42-110. They shall receive compensation as shall be determined by vote of the City Council. The Police Chief shall report to the Mayor as required. It is the policy of the city of Bull Shoals that its Police Department and officers shall comply with all provisions of the federal and state constitutions and law, including, but not limited to, those concerning search and seizure, the use of force, and the civil rights of citizens. (Ord. No. 2001-05, Sec. 1.)

2.28.02 Department organization The Chief of Police shall be the chief executive officer of the department and shall have direct control and management of all members of the department in the lawful exercise of their duties. The Chief shall be responsible for the maintenance of order, the enforcement of laws, ordinances, and regulations of the city and state, the prevention of crime, and the protection of life and property. In case of the absence or disability of the Chief, the Mayor shall designate a police officer to be acting Chief, and such acting Chief shall perform the duties and exercise the power and authority of the Chief. Such appointment shall be temporary and not to exceed 30 days without Council approval. (Ord. No. 2001-05, Sec. 2.)

2.28.03 Chief of Police - duties and responsibilities

- A. The Chief of Police, subject to the approval of the Mayor, shall adopt written internal rules and regulations for the government, discipline, equipment, and uniforms of officers, fixing their duties, and prescribing penalties for violation of any such rules and regulations.
- B. The Chief of Police shall have custody, care and control of the public property and equipment of the Police Department, subject to the direction of the Mayor. He shall conduct periodic surveys of such property and equipment and submit recommendations as to future needs.
- C. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions, and the disposition of each case handled by the department. The Chief shall also keep a record of the performances and accomplishments of each police officer.
- D. The Chief of Police shall, immediately following the end of each calendar month, submit to the Mayor and the City Council a written report on all activities and transactions of the department during the month. He shall also submit a report at the end of each calendar year. He shall include in the annual report such recommendations as he shall deem advisable with respect to departmental organization, personnel, or equipment requirements.
- E. All funds arising out of Police Department operations that may be collected by any member of the department shall be deposited with the City Treasurer no later than the succeeding business day. The Chief of Police shall file with the City Treasurer, accompanying each deposit, a statement showing in detail the source of such receipts, and shall affix thereto his certificate stating that the money so paid is all of the funds collected or received by the department since the preceding deposit and statement so filed.

- F. The Chief of Police and each member of the Police Department shall wear a suitable badge, to be furnished by the city. Every member of the Police Department shall, while on duty, wear a uniform that shall identify them as police officers and shall comply with the rules and regulations. The Chief may issue written orders authorizing the performance of a specific duty while not in uniform. Any member of the department who shall lose or destroy such badge or other property furnished by the city shall be required to pay for the cost of replacement. Whenever any member shall terminate membership in the department he shall immediately deliver his badge and all other city property in his possession, to the City Clerk. (Ord. No. 2001-05, Sec. 3.)

2.28.04 Method of appointments

- A. The Mayor shall appoint the Chief of Police and each officer. Appointments shall be made from an eligible list of qualified persons. The Chief of Police shall serve in accordance with A.C.A. 14-42-110.
- B. Applications shall be deemed eligible only after thorough investigation as to background, character, education, physical and mental fitness, in accordance with the state of Arkansas Commission on Law Enforcement Standards and Training, Section II, Regulations.
- C. Each applicant shall file affidavits with the City Clerk, from three (3) persons, neither relatives, nor local public officials, stating that the applicant is known to be of good moral character, has temperate and industrious habits, is financially responsible and is in all respects fit for the police service.
- D. Any member of the Police Department, including the Police Chief, may be terminated under the At-Will Employment Statement contained in the city of Bull Shoals Personnel Policy. Upon request of the Mayor or the Police Chief, an annual examination may be required to establish fitness for police duty. (Ord. No. 2001-05, Sec. 4.)

2.28.05 Disciplinary actions Each member of the department, upon being cited by the Chief of Police or the Mayor, shall be subject to suspension without pay for a period not to exceed thirty (30) days; to demotion or removal from employment for misconduct, incompetence, insubordination, inefficiency, cowardice, or failure to perform prescribed duties, or to observe the rules and regulations. (Ord. No.2001-05. Sec. 5.)

2.28.06 Emergency actions The Mayor, in the case of riot, emergency or other special requirements, may appoint as many special officers as may be necessary. During such term such special officers shall possess only those powers and perform only those duties as shall be specifically assigned to him by the Mayor. Such term of appointment shall expire not more than

one week following the termination of any riot, emergency or other special requirements, or in accordance with the at-will doctrine of the state of Arkansas. (Ord. No. 2001-05, Sec. 6.)

2.28.07 Living within limits

- A. That present and future Bull Shoals City Police Officers will be required to live within twenty (20) road miles from the city limits of the city of Bull Shoals, Arkansas.
- B. New hires will be required to live within these boundaries within sixty (60) days from the date of hire, except for the Chief of Police, who must live within the corporate limits of the City of Bull Shoals.
- C. Realizing that Auxiliary Law Enforcement Officer(s) maybe the future full time officers of the city, they may live within Marion or Baxter County while in the Auxiliary status. (Ord. No. 2014-7, Secs. 1-3.)

CHAPTER 2.32

CITY COURT

Sections:

- 2.32.01 City Court created
- 2.32.02 Duties of the Mayor or Justice
- 2.32.03 Jurisdiction
- 2.32.04 Court Clerk
- 2.32.05 Court costs

2.32.01 City Court created A City Court is hereby created with the power and duties set forth in A.C.A. 14-45-106. The Mayor is authorized as provided by law to designate a licensed attorney to serve as judge of said court at the will of the Mayor and to act in the Mayor's stead as justice of said City Court. The Mayor is also authorized to designate a Court Clerk. All fines and penalties assessed by said City Court shall be paid into the City Treasury. (Ord. No. 2000-09, Sec. 1.)

2.32.02 Duties of the Mayor or Justice The Mayor or the Justice sitting in his stead shall:

- A. Not be required to give bond.
- B. Perform all duties required by the laws and ordinances of the city of Bull Shoals and the state of Arkansas with appeals taken in the same manner as decisions of a Justice of the Peace.
- C. Charge the same fees as a Justice of the Peace is allowed for similar services.
- D. Be paid by the city from the General Fund for the trial of traffic, city and criminal cases on a monthly allowance. Such compensation shall be determined by resolution of the City Council; however, it shall not be based upon the conviction of any person tried by such court.

- E. Take the Constitutional Oath of office before assuming such duties.
- F. Issue all writs, processes, decrees and judgments as may be authorized for a Justice of the Peace. (Ord. No. 2000-09, Sec. 2.)

2.32.03 Jurisdiction The jurisdiction of the Bull Shoals City Court shall be the same as the jurisdiction of a Justice of the Peace for traffic, civil and/or criminal cases. Costs may be adjudged in said court in the same amount as now or may hereafter be provided for in a Justice of the Peace Court. (Ord. No. 2000-09, Sec. 3.)

2.32.04 Court Clerk The appointed and sworn Bull Shoals, Arkansas Chief District Court Clerk shall have the primary responsibility for collection of fines assessed in the Bull Shoals, Arkansas District Court. In the Chief District Court Clerks' absence, the sworn Assistant Bull Shoals, Arkansas District Court Clerk shall bear the same responsibility as the Chief District Court Clerk. (Ord. No. 2014-5, Secs. 1-2.)

2.32.05 Court costs

- A. Pursuant to Act 1188 of 2003 of the General Assembly of the state of Arkansas, an additional Five dollars (\$5.00) shall be levied and collected from each defendant who pleads guilty or nolo contendere, or is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the City Court of the city of Bull Shoals, Arkansas.
- B. The additional fine levied by the city under this ordinance shall be deposited with the City Treasurer, who shall disburse the funds to Marion County. The revenues generated by the additional fine shall be used exclusively for the maintenance, operation, and capital expenditures of the Marion County Detention Center (Marion County Jail).
- C. Revenues derived from the additional fines levied under this ordinance shall not offset or reduce funding from other sources for the maintenance. (Ord. No. 03-05, Secs. 1-3.)
- D. That pursuant to Act 209 of 2009, of the General Assembly of the State of Arkansas, an additional fine of Twenty Dollars (\$20.00) shall be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the City Court within Bull Shoals, Arkansas.
 - i. That the additional fine levied by the city under this Ordinance shall be deposited into a special fund within the City Treasury, and the revenues generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners.
 - ii. The additional fine authorized by this Ordinance shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation.

CHAPTER 2.36

PUBLIC WORKS DIRECTOR

Sections:

2.36.01	Appointment
2.36.02	Supervisor
2.36.03	Duties
2.36.04	Authority

2.36.01 Appointment The Director shall be appointed by the Mayor with confirmation subject to a majority vote of the City Council of the city of Bull Shoals. (Ord. No. 95-15, Sec. 1.)

2.36.02 Supervisor The Director will operate at the discretion of the Mayor. The Mayor has the authority to suspend such person until a full hearing of the City Council can be held; final authority shall be determined by a majority vote of City Council. (Ord. No. 95-15, Sec. 2.)

2.36.03 Duties The Director shall supervise all operations in the City Street Department, Water & Sewer Department, Solid Waste Department and Recycle Department; plan daily work schedule and authorize all operations and purchases. (Ord. No. 95-15, Sec. 3.)

2.36.04 Authority The Director shall have full authority to dismiss and replace any employee under their supervision and to take any disciplinary action as set forth in the city of Bull Shoals Personnel Policies & Procedures Manual. (Ord. No. 95-15, Sec. 4.)

CHAPTER 2.40

PERSONNEL POLICIES

Sections:

- 2.40.01 Employment policies
- 2.40.02 Employee and special leave benefits
- 2.40.03 Matters affecting the status of employees
- 2.40.04 Standards of conduct
- 2.40.05 Miscellaneous information

2.40.01 Employment policies

Equal Opportunity Employer. The city of Bull Shoals Arkansas, is committed to providing equal employment opportunities without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment including, but not limited to, job opportunities, promotions, pay and benefits.

At-Will Employer. The city of Bull Shoals, Arkansas, is an at-will employer. This means that the city of Bull Shoals or any city employee may terminate the employment relationship at any time for any reason or for no reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment

relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

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

Job Posting and Advertising.

Application for employment will be accepted from anyone who wishes to apply for employment upon forms provided by the city. Application forms are available in the office of the city Recorder/Treasurer.

In the event of a job opening, the position will be advertised in newspapers of general circulation in Bull Shoals, Arkansas at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement form may be distributed to city departments and as appropriate, to public and private employment agencies and other sources which might provide recruitment resources.

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

Post Offer Pre-Employment Physicals

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

Reports and records of all physical, psychological and/or mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the city of Bull Shoals to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for

reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government.

Fitness for Duty Exam Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety or health threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the city of Bull Shoals shall take such action as is necessary for the good of the service.

The Omnibus Transportation Employee Testing Act of 1991 It is the city of Bull Shoals' intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow-up testing. The city of Bull Shoals will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the city of Bull Shoals the city's written Substance Abuse Policy. CDL drivers are required to read the city's Substance Abuse Policy and sign a statement acknowledging that they have received a copy of same.

Other Drug and Alcohol Testing Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances as outlined in the city's policy on this subject. All employees must obtain from the city of Bull Shoals the city's written Substance Abuse Policy. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.

Use of City Vehicles

- A. Employees who operate city vehicles must be authorized to do so by their supervisor, and must operate such vehicles responsibly and in accordance with the law. City vehicles are to be used only for city business and only by city personnel, unless otherwise specified by an employee's supervisor. Seat belts must be used when operating city vehicles. All employees who operate city vehicles must have a valid driver's license and must operate the vehicle in compliance with any applicable restrictions such as the use of eyeglasses.
- B. All accidents involving city vehicles must be reported immediately to the department head, the appropriate law enforcement agency and to the Mayor. Department heads must get pictures of an accident involving a city vehicle.
- C. Unauthorized, irresponsible or illegal operation of city vehicles may lead to disciplinary action up to and including discharge, and possible criminal charges.

Nepotism Immediate family of elected officials, appointed officials, and current or future employees of the city will not be considered for employment. Immediate family is defined as siblings, parents, grandparents, spouse and children. (Ord. No. 99-7, Sec. 1.)

2.40.02 Employee and special leave benefits.

Vacations

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

All employees of the Police Department shall accumulate vacation time at the rate of one and one-quarter (1 ¼) working days for each month of working service.

It is the specific duty of the Police Chief to require that employees of the Police Department take their vacation time before the end of the calendar year, or within sixty (60) days thereafter.

Fire Department Not applicable. All firemen are volunteers.

Other City Employees All eligible full-time employees will earn vacation time according to the following schedule:

First day of employment to December 31 st of year two (2)	3.334 hours per pay period (not to exceed 40 hours annually)
January 1 st of year three (3) to December 31 st of year six (6)	6.667 hours per pay period (not to exceed 80 hours annually)
January 1 st of year seven (7) to December 31 st of year twelve (12)	10 hours per pay period (not to exceed 120 hours annually)
January 1 st of year thirteen (13) and over	13.334 hours per pay period (not to exceed 160 hours annually)

The following conditions are placed on vacation time:

- A. No more than eighty hours may be carried over to the next year.
- B. The employee's Supervisor must approve vacation time, in writing, not less than two (2) weeks in advance.
- C. Vacation time must be designated on the time sheet as such.
- D. Vacation time may be increased at the discretion of the Mayor for those salaried employees who have been employed one year or longer, to be increased no more than five (5) days greater than the amount of vacation days allowed for that employee's length of employment.

The number of personnel off at any one time will be governed by the Supervisor based upon departmental work loads.

If a holiday occurs during the calendar week, or on a Saturday or Sunday, in which a vacation period is scheduled for an employee, the employee's vacation shall be

extended for one (1) additional day.

To the extent it may differ from the procedure set forth herein, the uniformed employees of the Police Department shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes, as stated on page 519 of the Arkansas Municipal League Officials Handbook, entitled Annual Vacation; § 14-52-106. The full-time paid uniformed employees of the Fire Department shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes, as stated on page 524 of the Arkansas Municipal League Officials Handbook, entitled Annual Vacation; § 14-53-107. (Ord. No. 2009-04, Sec. 1.)

Pay Scale and Pay Raises Employees' pay scales and pay raises will be recommended by the Mayor, with the City Council making the final determination on a case by case basis. The pay scales outlined in the employee job descriptions and established merit system criteria may be used as guidelines, if appropriate.

Holidays and Holiday Pay The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including, but not limited to, uniformed employees, as provided by the laws of the state of Arkansas. Employees working on holidays will be compensated at a rate twice their normal hourly rate. Police Officers who serve on duty time on a city paid holiday will be compensated in accordance with the provisions set forth in the relevant Arkansas Statutes, as stated on page 518 of the Arkansas Municipal League Officials Handbook, entitled Holiday Compensation; § 14-52-105. Full-time paid Fire Department employees who serve on-duty on a city paid holiday will be compensated in accordance with the provisions set forth in the relevant Arkansas Statute, as stated on page 524 of the Arkansas Municipal League Officials Handbook, entitled Holiday Compensation; § 14-53-106.

The following days will be paid holidays for eligible full-time employees of the city of Bull Shoals:

New Year's Day	1 st of January
President's Day	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	4 th of July
Labor Day	1 st Monday of September
Thanksgiving Day	4 th Thursday of November
Thanksgiving Friday	4 th Friday of November
Veteran's Day	11 th of November
Christmas Eve Day	24 th of December
Christmas Day	25 th of December
Floating Holiday	Governor's Proclamation Day

If a city-designated holiday falls on a Saturday, the Friday immediately preceding it shall be observed as the holiday. When a holiday falls on a Sunday, the Monday following it shall be observed as the holiday.

When a designated holiday falls on a regular working day, an employee who is absent without authorization on the last working day before or the first working day after the designated holiday will not be paid for that holiday. (Ord. No. 2009-3, Sec. 1.)

Sick Leave

Police Department Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

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

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary. (A.C.A. 14-52-107.)

Non-uniformed employees

The city of Bull Shoals recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of Bull Shoals provides paid sick leave at the rate of one (1) working day per month.

Any sick leave days accumulated which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of forty-five (45) days.

An employee may be eligible for sick leave days for the following reasons:

- A. Personal illness or physical incapacity; medical, dental or optical visits.
- B. Quarantine of an employee by a physician or health officer;
- C. Illness in the immediate family which would require the employee to take care of the family member(s).

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

Employees who are absent more than three (3) consecutive days due to unconfirmed illness may be required by the Supervisor to submit a physician's statement.

An employee who uses all of his/her accrued sick leave days shall thereafter be placed on inactive status without pay for any further time missed.

In all matters concerning sick leave for Police Officers, strict compliance with Arkansas statutes is required, as stated on page 519 of the Arkansas Municipal League Officials Handbook, entitled Uniform Sick Leave § 14-52-107. In all matters concerning sick leave for full-time paid Fire Department employees, strict compliance with Arkansas statutes is required, as stated on page 524 of the Arkansas Municipal League Officials Handbook, entitled Uniform Sick Leave § 14-53-108. Any sick leave days accumulated which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of 60 accumulated days, equivalent to (480) hours. (Ord. No. 2009-04, Sec. 2.)

Funeral or Bereavement Leave Funeral leave with pay up to a maximum of three (3) calendar days shall be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.

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

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

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

Maternity Leave Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and maternity use after which leave without pay must be used.

Uniformed Services Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-Employment Rights Act of 1994, 38 U.S.C. 4301 et seq., and in A.C.A. 21-4-102. It is the city's policy to honor and comply with the provisions of those statutes.

In addition, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave not exceeding fifteen (15) days with pay plus necessary travel time. (A.C.A. 21-4-102)

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

Miscellaneous Leave The attendance of employees at seminars and training programs is considered part of their continuing professional development. Attendance at these meetings is to be pre-approved by Mayor/City Council. In the event employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, the city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc. pursuant to its regular expense policy.

Pension Program The money purchase pension plan is through Travelers Insurance Co., administered by Legette and Company. The employer (City) contributes 5% and the full-time employee contributes 2% of his/her gross salary beginning at date of employment. Employees are vested in this plan according to a 7 year graded schedule in which the vesting percentage is 10% for the first 4 years and 20% for the next 3 years. Additional information about the Plan may be obtained from the Recorder/Treasurer.

Employee Health Benefits The city of Bull Shoals provides a group health plan for all its full-time employees. Detailed information on the policy and coverage should be given to the employee when the employee is hired. Additional information may be obtained from the Recorder/Treasurer's office.

Occupational Injuries All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required in order for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the department bulletin boards. Employees receiving Workers' Compensation will be paid the difference between their normal weekly salary and their Workers' Compensation reimbursement.

Accidental Injury If any full-time employee is involved in an accident (not job connected) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred. (Ord. No. 99-7, Sec. 2.)

2.40.03 Matters affecting the status of employees.

Attendance Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the city of Bull Shoals. All departments shall keep daily attendance records of all employees which shall be reported to the Mayor on the form and on the date specified by the City Council.

Work Hours Except for police officers, work hours for all employees shall be forty (40) hours per week which begin each Thursday at 8:00 a.m. Work hours for police employees shall be in accordance with state statutes and departmental regulations.

The city reserves the right to adjust and change hours of work, days of work and schedules in order to fulfill its responsibility to the citizens of the city of Bull Shoals. In the event of an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable.

Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.

Overtime Pay Overtime will be paid for hours worked in excess of the hours per week set forth in the Work Hours section of this Handbook. The rate of pay for overtime shall be one and one-half (1 ½) the employee's normal hourly rate except pay for work on a holiday will be double normal hourly rate.

Upon the direction or approval of the Mayor/City Council, compensation for overtime may be made in the form of compensatory time off to the employee. Overtime Records of the department shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory time off must be taken within the calendar year earned and should be scheduled in the same manner required for vacation days. Compensation time may be carried forward the next year with the approval of the City Council. Salary employees cannot receive compensatory leave days.

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

In accordance with E.E.O.C. (Equal Employment Opportunity Commission) guidelines and policies, notice of job vacancies may be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.

An employee may be considered for transfer to other departments within the city provided the employee is given a good reference as a dependable, competent and productive worker in his/her present department. If the transfer would be considered a lateral move or a demotion, the employee must be so advised. The reason for transfer shall be noted in the employee's file.

The transferred employee's service seniority, participation in benefit programs and the Pension Fund shall continue without interruption and without any loss of benefits to the employee.

The final decision regarding promotions shall be made by the City Council upon recommendation of the Mayor.

Training The city of Bull Shoals is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the city for various positions, each employee has the responsibility of ascertaining for himself that he is possessed with sufficient training to enable him to perform his job. In the event that the employee feels that additional training is needed, he should notify his department head. Expenses incurred in on-the-job training shall be assumed by the city.

Performance Evaluations

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

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

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

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

Job Safety Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If an employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method. OSHA Safety Standards will be followed.

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

- A. Follow all departmental safety rules;
- B. Use all mechanical safeguards on or for employee equipment;
- C. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head;
- D. Immediately report any unsafe or potentially unsafe working condition or equipment;
- E. Immediately report any and every accident to the supervisor or department head.

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

Resignation/Termination

Employees desiring to terminate their employment relationship with the city of Bull Shoals are urged to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period in order to receive such payments.

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

As mentioned elsewhere in this Handbook, all employment relationships with the city of Bull Shoals are on an at-will basis. Thus, although the city of Bull Shoals hopes that relationships with employees are long term and mutually rewarding, the city reserves the right to terminate the employment relationship of any employee at any time and the employee may likewise terminate the employment at any time with or without advance notice. (Ord. No. 99-7, Sec. 3.)

2.40.04 Standards of Conduct.

Conduct Towards the Public

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

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

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

When an employee is uncertain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

Uniforms and Personal Appearance Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the City Council. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

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

Unlawful Harassment The city of Bull Shoals expressly prohibits its officials or employees from engaging in any form of unlawful harassment of employees based on race, religion, color, gender, national origin, age, disability or status as a veteran or special disabled veteran and/or as hereinafter set out.

Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection to his or her detriment. Harassment may include, but is not limited to the following actions:

- A. Verbal abuse or ridicule;
- B. Interference with an employee's work;
- C. Displaying or distributing sexually offensive, racist or other derogatory materials;
- D. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases;
- E. Intentional physical contact with either gender specific portions of a person's body or that person's private parts;
- F. Making offensive sexual, racial or other derogatory hints or impressions;
- G. Demanding favors (sexual or otherwise), as a condition of employment, promotion, transfer or any other condition of employment.

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

- A. An employee should report harassment or suspected harassment immediately to the department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command. This complaint should be made in writing.

- B. Any time an employee has knowledge of harassment he/she shall inform the department head in writing.
- C. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

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

Guidelines for Appropriate Conduct An employee of the city of Bull Shoals is expected to accept certain responsibilities, adhere to acceptable principals in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal life, an employee refrain from behavior that might be harmful to the employee, his co-workers, the citizens and/or the city.

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

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

- A. Falsifying employment or other city records;
- B. Violating any city non-discrimination and/or harassment policy;
- C. Soliciting or accepting gratuities from citizens;
- D. Excessive absenteeism or tardiness;
- E. Excessive, unnecessary or unauthorized use of city property;
- F. Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- G. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
- H. Fighting or using obscene, abusive or threatening language or gestures;
- I. Theft of property from co-workers, citizens or the city;
- J. Unauthorized possession of firearms on city premises or while on city business;
- K. Disregarding safety or security regulations;
- L. Insubordination;
- M. Neglect or carelessness resulting in damage to city property or equipment.

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

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

“Proper Notice” is defined by the city to be noticed in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the Department Head or the employee’s supervisor should be deemed absence without leave. Such absence shall be without pay.

Inclement Weather

In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report for work. However, if, in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisor "proper notice" if he or she is unable to report for work.

"Proper notice" is defined by the city to be notice in advance of the time an employee should report for work and no later than one (1) hour thereafter if absence notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof that is not authorized in advance by the Department Head or supervisor should be deemed absence without leave. Such absence shall be without pay.

Outside Employment or Moonlighting If an employee is considering additional employment, he or she shall discuss the additional employment with his or her department head or supervisor for approval. The final decision must be made by the Mayor.

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

Political Activity City employees are encouraged to exercise their legal right to vote and reasonable time from work will be granted for the purpose of voting without reduction in pay.

Outside Compensation No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee, it shall be reported to the Mayor.

Use of Narcotics, Alcohol and Tobacco

Employees of the city of Bull Shoals shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reported to be working with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

Each department head or supervisor may establish smoking policies for his or her departmental employees.

Disciplinary Action Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in Section 2.52.04, Standards of conduct or any other city policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

- A. **Warning or reprimand** A reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.
- B. **Suspension** Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.
- C. **Demotion** A demotion is an action that places the employee in a position of less responsibility and less pay.
- D. **Termination** This type of disciplinary action is a removal of an employee from city employment. (Ord. No. 99-7, Sec. 4.)

2.40.05 Miscellaneous information

Policy statement This Personnel Policies and Procedures outlines the rights and benefits afforded all employees by the city. The city of Bull Shoals possesses the sole right to operate and manage the affairs of the city.

Severability Should any of the provisions of these Employee Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

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

Departmental Policies and Procedures Each Department Head is authorized to adopt lawful oral or written policies governing the day-to-day operations of that department. Departmental policies, if in conflict with these Employee Policies and Procedures, shall be governed by these Employee Policies and Procedures.

Change of Address It is important that an employee changing his or her home address or telephone number notify his or her Department Head of this change so that personnel files may be kept up to date. This is important in case the city must mail the employee any information that it feels the employee will need, such as “withholding” statements for the employee’s income taxes. Also, if there is any change in the employee’s marital status, the employee should report it to his or her Department Head and the Recorder/Treasurer.

Personnel File A personnel file on each employee will be kept in the Recorder/Treasurer’s office. Each employee shall have the following on file:

- A. Job application form
- B. Physical Examination form
- C. Current W-4
- D. Certifications (as required for position)
- E. Insurance application (if member of plan)
- F. Pension Fund application (if member of plan)
- G. Employee Evaluation form
- H. Sick leave records and vacation records
- I. I-9 form (Immigration and naturalization)

Any other pertinent information will be included in the employee’s personnel file.
(Ord. No. 99-7, Sec. 5.)

Travel Policy

Mileage Mileage will be paid for at the rate approved by the federal government. Persons claiming such travel expense shall complete the form(s) relating to such mileage.

Meals In the event city business requires such employee or official to purchase meals while on city business or to incur other expenses in addition to mileage, such expenses shall be reimbursed, in accordance to the following guidelines:

- A. Meals will be paid for at the current rate approved by the state of Arkansas plus tax, excluding tips;
- B. Hotel or motel cost, based on the room rate for a single room. Further, if the event is held at a particular hotel or motel convention center, the room cost may not exceed the cost for a single room at that convention center; and
- C. Actual parking cost for such travel.

Expenses not reimbursed Expenses not to be reimbursed include, but are not limited to tips, valet service, long distance telephone charges not made on behalf of the city, room service, liquor or expenses of a spouse or other person not on official city business.

Receipts All expense claims must be accompanied by appropriate receipts and other documentation and must be submitted to the city Recorder/Treasurer within ten (10) days of the last night of such trip.

Approvals All travel eligible for expense reimbursement must be pre-approved by the Mayor. (Ord. No. 2000-08, Secs. 1-5.)

CHAPTER 2.44

POLICY FOR A DRUG-FREE WORKPLACE

Sections:

- 2.44.01 Purpose of policy
- 2.44.02 Policy statement
- 2.44.03 Safety and security-sensitive positions defined
- 2.44.04 Drug-free awareness program/education and training
- 2.44.05 Prohibited substances/legal drugs/unauthorized items
- 2.44.06 Use of alcohol and drugs/prohibited conduct

- 2.44.07 When drug and alcohol testing may be required of all employees
- 2.44.08 When drug and alcohol testing may be required of employees holding safety and security-sensitive positions
- 2.44.09 Disciplinary action
- 2.44.10 Employment status pending receipt of test results
- 2.44.11 Voluntary drug and alcohol rehabilitation

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

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

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle. (Ord. No. 2013-5, Sec. 1.)

2.44.02 Policy statement

- A. All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge for unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicle, during breaks or at lunch.
- B. The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be

subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

- C. The City also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. (Ord. No. 2013-5, Sec. 2.)

2.44.03 Safety and security-sensitive positions defined

- A. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
1. Law enforcement officers and jailers who carry firearms.
 2. Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers and drivers who transport other city employees.
 3. Fire department employees who directly participate in fire-fighting activities.
 4. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
 5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
 6. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.
- B. A security sensitive position includes:
1. Any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prosecution of the case.
 2. The City also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery. (Ord. No. 2013-5, Sec. 5.)

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

The City's Drug-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol free workplace; (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least sixty (60) minutes of training on alcohol misuse and sixty (60) minutes of training on drug use. (Ord. No. 2013-5, Sec. 4.)

2.44.05 Prohibited substances/legal drugs/unauthorized items

- A. **Prohibited Substances** Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term “drugs” includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, and the regulations promulgated there under, and defined in the Uniform Controlled Substances Act, A.C.A. 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee’s physician.
- B. **Legal Drugs** The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.
- C. **Unauthorized Items** Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia. (Ord. No. 2013-5, Sec. 5.)

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

- A. Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol content of 0.04 or greater.
- B. Employees shall not consume alcohol while on duty.
- C. Employees required to undergo post-accident testing shall not use alcohol for eight hours following the accident, or until they undergo a post-accident alcohol test.
- D. Employees shall submit to all authorized drug or alcohol tests.
- E. Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test.

The forgoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety or security sensitive functions. (Ord. No. 2013-5, Sec. 6.)

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

- A. When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. A supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use must make the required observations.
- B. Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.

- C. As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- D. When the city management has a reasonable suspicion based on observations or credible information submitted to the city, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- E. When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol. (Ord. No. 2002-01, Sec. 7.)
- F. As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approval drug and/or alcohol treatment, counseling or rehabilitation program. In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration of 0.04 or greater) must have a verified negative drug test and/or an alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed twenty-four (24) months from the date of the employee's return to duty in accordance with an SAP's recommendation, (The City also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP's recommendations.)
- G. When any prohibited drug or alcoholic beverage is found in an employee's possession.
- H. When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO) or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

- I. Testing will be based on reasonable suspicion and is to be done by the Chief of Police or his immediate subordinate. (Ord. No. 2013-5, Sec. 7.)

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

- A. When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involved driving a motor vehicle.
- B. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League. (Ord. No. 2013-5, Sec. 8.)

2.44.09 Disciplinary action

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

5. Refusal to cooperate in a search.
6. Having an alcohol concentration of 0.04% or greater in any authorized alcohol test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test.

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

- B. In order to be re-employed following completion of a suspension for a positive drug or alcohol test, the employee must undergo and pass a return to duty drug and/or alcohol test, and be evaluated and released by an substance abuse professional SAP.

The city will schedule the return to duty drug and/or alcohol test and the evaluation by an SAP to avoid any lost work time beyond the period of the suspension. The employee will remain on disciplinary suspension, without pay, until the city has received written notice that the employee has passed the return to duty drug test (and/or notice from the collection site that the employee had an alcohol concentration of less than 0.02 in the return to duty alcohol test) and written notice from an SAP that the employee has been released to return to duty. However, the employee may use accumulated leave time between the end of the original suspension and being released to return to work.

If the employee tests positive for any drug or has an alcohol concentration of 0.02 or greater in any subsequent test, he/she shall be subject to discharge.

- C. **Rehabilitation and Additional Testing** In cases where an employee receives disciplinary action other than discharge for a drug and/or alcohol related infraction, the following procedures shall also apply:

1. The city may require the employee to participate in an approved treatment counseling or rehabilitation program for drug and/or alcohol abuse at the time discipline is imposed, based on the recommendations of an SAP.
2. If the employee is required to enroll in such a program, his/her reinstatement or continued employment shall be contingent upon successful completion of the program and remaining drug and alcohol free for its duration. The employee must submit to any drug and/or alcohol testing administered as part of the program, and provide the city with the

results of such tests. The employee must also provide the city with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or the results of such tests may result in discipline up to and including termination.)

3. An employee who has been identified as needing assistance in resolving problems associated with use of drugs and/or misuse of alcohol may be administered unannounced follow-up drug and/or alcohol tests for a period of up to 24 months.
- D. The financial burden of Section 9 (b) through (c) 3 will rest entirely with the employee. (Ord. No. 2013-5, Sec. 9.)

2.44.10 Employment status pending receipt of test results In addition to appropriate measures, including suspension, which may be taken in response to the incident whether the incident or course of conduct which give rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee will be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay, provided the employee has not been given an appropriate disciplinary suspension for a violation of another work rule which also covers the time missed waiting for the test results. (Ord. No. 2013-5, Sec. 10.)

2.44.11 Voluntary drug and alcohol rehabilitation If an employee who is not otherwise subject to disciplinary action for use of drugs and/or alcohol voluntarily admits that he/she has a drug and/or alcohol abuse problem, the Mayor (or his/her designee) will meet with the employee to discuss the various treatment, counseling and rehabilitation options that are available. For the purpose of this section, an employee's admission to having a drug and/or alcohol abuse problem will not be defined as voluntary if it is made after the employee learns that he or she has been selected for a random drug test.

These options may include allowing the employee to continue working while receiving outpatient treatment, counseling or rehabilitation in an approved drug and/or alcohol abuse program or placing the employee on a medical leave of absence while he/she is receiving treatment, counseling or rehabilitation in an approved inpatient or outpatient drug and/or alcohol abuse program.

When an employee voluntarily admits that he/she has a drug and/or alcohol abuse problem, the City shall have the right to require the employee to be evaluated by a substance abuse professional (SAP) and/or alcohol abuse problem in the situation described above. However, the City shall have the following rights in such a situation:

- A. The employee may be required to enroll in, and successfully complete an approved inpatient or outpatient drug and/or alcohol abuse program, and remain

drug and alcohol free for its duration as a condition of reinstatement or continued employment. However, the city will not be responsible for financial obligations associated with treatment.

- B. If the employee is required to enroll in such a program, he/she must submit to any drug and/or alcohol tests administered as part of the program and provide the City with the results of such tests, The employee must also provide the City with progress reports from his/her therapist or the agency running the program on at least a monthly basis. (Failure to provide such reports or the results of such tests will result in discipline up to and including termination.).
- C. The employee shall be required to agree to be subject to unannounced follow-up drug and/or alcohol tests, at the city's discretion, for a period of up to 24 months. (Ord. No. 2013-5, Sec. 11.)

CHAPTER 2.48

SMOKE FREE PROPERTY

Sections:

2.48.01 Places Prohibited

2.48.01 Places Prohibited

- A. Smoking of tobacco products is prohibited anywhere inside the City Hall Complex and the C.S. Woods Community Center.
- B. Smoking of tobacco products is prohibited within thirty (30) feet of an entrance to City Hall or the C.S. Woods Community Center.
- C. Smoking of tobacco products is prohibited within any vehicle parked and/or standing within thirty (30) feet of an entrance to City Hall and the CLS. Woods Community Center.
- D. Any person convicted for a violation of this Ordinance shall be deemed guilty of a misdemeanor. A.S.A. 14-55-504 limits municipal fines at this time to One Thousand Dollars (\$1,000.00) for the first offense or Two Thousand Dollars (\$2,000.00) for a repeat violation, but a fine not to exceed Five Hundred Dollars (\$500.00) per day for each day the violation continues. In addition any person convicted for a violation of the provision of this Ordinance may be imprisoned in accordance with A.S.A 14-55-602.
- E. The power of enforcement is dedicated in A.S.A. 14-55-601 through 14-55-608. The remedies include prosecution or a civil action to recover fines. (Ord. No. 2013-7, Secs. 1-5.)

CHAPTER 2.52

CITY LOGO USE

Sections:

2.52.01 Definition
 2.52.02 City Logos
 2.52.03 Use prohibited
 2.52.04 Written permission
 2.52.05 Penalty

2.52.01 Definition The term "city logo" for the purpose of this ordinance shall include any current and any and all future Bull Shoals logo(s) which may include, but not limited to drawings, photographs, writings, crest, mottos, computer and/or hand generated design(s), insignias, et al. (Ord. No. 2011-03, Sec. 2.)

2.52.02 City Logos It shall be unlawful for any person(s), business, for profit or non for profit organization, auxiliary, foundation, chamber, corporation and/or partnership to use, reproduce, display, print, use in advertising, commercials, internet, website the City of Bull Shoals, Arkansas patches and or city logo, et al without the express written permission of the mayor, who may impose limitation if written permission is granted. (Ord. No. 2011-03, Sec. 3.)

2.52.03 Use prohibited Any written permission given by a Mayor will expire at the end of his/her term in office. A new request will be required from the succeeding Mayor. Under no condition will a Mayor sign a "Hold Harmless" document. (Ord. No. 2011-03, Sec. 4.)

2.52.04 Written permission Any written permission given by a Mayor will expire at the end of his/her term in office. A new request will be required from the succeeding Mayor. Under no condition will a Mayor sign a "Hold Harmless" document. (Ord. No. 2011-03, Sec. 4.)

2.52.05 Penalty Any person convicted for a violation of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. ASA 14-55-504 limits municipal fines to one thousand dollars (\$1,000.00) for a first offense or two thousand dollars (\$2,000.00) for a repeated violation but a fine not to exceed five hundred dollars (\$500.00) per day for each day the violation continues. In addition any person convicted for a violation of the provisions of this Ordinance may be imprisoned in accordance with Section 14-55-602 ASA. The power of enforcement is dedicated in ASA 14-55-601 through 14-55-608. The remedies include prosecution or a civil action to recover fines. (Ord. No. 2011-03, Secs. 6-7.)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Authorization of Expenditures
- 3.12 Purchasing Procedures for Departments
- 3.16 Defined Contribution Plan 401a
- 3.20 Deferred Compensations Plan 457
- 3.24 Conducting Business with Employees and Officials

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 \$10,000.00 or under
- 3.04.02 Approval of payments
- 3.04.03 Selling or exchanging supplies
- 3.04.04 Sales and Use Tax
- 3.04.05 Rebate of city sales tax
- 3.04.06 Single transaction

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 to public purpose for the City of Bull Shoals, Arkansas and to make necessary contracts for work, for 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 purchase or contract does not exceed the sum of Ten Thousand Dollars (\$10,000.00). Purchases above this amount will be approved by the City Council with the exclusion of ordinary operating expenses, transfers or transactions required for day-to-day standard operation of the city, but not to exceed Fifteen Thousand Dollars (\$15,000.00) for these ordinary expenses. e.g. payroll or utilities. (Ord. No. 2013-2, Sec. 1.)

3.04.02 Approval of payments. The mayor or his duly authorized representative may approve 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 hands are adequate to pay such bills, debts or liabilities and that the payment or disapproval of any bills, debts or liabilities not covered by previous appropriation, or in excess of Ten Thousand Dollars (\$ 10,000.00) shall require confirmation of the governing body excluding only standard operating expenses, but not to exceed Fifteen Thousand Dollars (\$15,000.00) for these standard expenses. (Ord. No. 2013-2, Sec. 2.)

3.04.03 Selling or exchanging supplies The Mayor, or his duly authorized representative, may sell or exchange any municipal supplies, materials or equipment with a value of less than Ten Thousand Dollars (\$10,000.00). Sales or exchanges of any municipal supplies, materials or equipment with a value above Ten Thousand Dollars (105,000.00) will be approved by vote of the City Council. (Ord. No. 2007-4, Sec. 3.)

3.04.04 Sales and Use Tax Under the authority of the Authorizing Legislation, there is hereby levied a 1 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 (Ark. Code Ann. §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 personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (Ark. Code Ann. §26-53-101, et seq), at a rate of 1 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”).

3.04.05 Rebate of city sales tax The rebate of city sales tax paid in excess of Twenty-Five Dollars (\$25.00) per single transaction will take place immediately upon finalizing the transaction. This affects a one percent (1%) city sales tax on the receipts from the sale of retail within the city of Bull Shoals up to a transaction of Twenty-Five Hundred Dollars (\$2,500.00). (Ord. No. 2003-9, Sec. 1.)

3.04.06 Single Transaction The term single transaction for the purposes of the local sales tax shall be defined as follows: 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. 128, Sec. 1.)

CHAPTER 3.08

AUTHORIZATION FOR EXPENDITURES

Sections:

- | | |
|---------|-----------------------|
| 3.08.01 | Assign an AFE number |
| 3.08.02 | Calculate direct cost |

- 3.08.03 Document contract services & supplies
- 3.08.04 Track actual cost

3.08.01 Assign an AFE number

- A. Department number (ex. .01 Water, .02 Sewer, .03 General, .04 Police, .05 Fire, .06 Streets, .07 Solid Waste, .08 Parks, .09 Campgrounds)
- B. Budget Line Item number (ex. 560 for paved street maintenance)
- C. Year
- D. Number in chronological order (ex. first AFE submitted for a paved street program in 2000 would be .06.560.2000.01). (Ord. No. 2003-10, Sec. 1.)

3.08.02 Calculate direct cost This is the actual cost of contract services, materials and supplies or transferred materials/supplies from warehouse accounts. This is the cost that will be considered for approval by the Council. This is also the cost related to the budget. (Ord. No. 2003-10, Sec. 2.)

3.08.03 Document contract services & supplies This includes all contract work. Bids are required. A purchase order is required to confirm the bid provisions even though an AFE has been approved. The AFE number shall also appear on the Purchase Order form for that project. (Ord. No.2003-10, Sec. 3.)

3.08.04 Track actual cost The Department Head or designee shall code all invoices, purchase orders, and bills of lading with the AFE number for an AFE project. (Ord. No. 2003-10, Sec. 4.)

CHAPTER 3.12

PURCHASING PROCEDURES FOR DEPARTMENTS

Sections:

- 3.12.01 Purchase Order form
- 3.12.02 Presented to Mayor
- 3.12.03 Delay
- 3.12.04 Major expense projects

3.12.01 Purchase Order form All materials ordered and contracts awarded that exceed Fifty Dollars (\$50.00), but do not exceed Five Hundred Dollars (\$500.00) shall have a (PO) Purchase Order form and number filled out by the Department Head before purchase or start of the project. (Ord. No. 2003-11, Sec. 1.)

3.12.02 Presented to Mayor All materials ordered and contracts awarded that exceed Five Hundred Dollars (\$500.00), but do not exceed Five Thousand Dollars (\$5,000.00) shall be presented by the Department Head to the Mayor or the Mayor's designee before the start of a project for approval. The Purchase Order form is to be dated and initialed by the Mayor or Mayor's designee. (Ord. No. 2003-11, Sec. 2.)

3.12.03 Delay If the Purchase Order has been approved and the project has been delayed to a much later date, the Mayor is to be notified again before the project is to begin. (Ord. No. 2003-11, Sec. 3.)

3.12.04 Major expense projects All major expense projects and capital improvements with estimated costs within the range of One Thousand Dollars (\$1,000.00) to Five Thousand Dollars (\$5,000.00) shall also require an Authorization for Expenditure (AFE) form to be presented to the Mayor for approval. (Ord. No. 2003-11, Sec. 4.)

CHAPTER 3.16

DEFINED CONTRIBUTION PLAN 401a

Sections:

3.16.01	Adopted
3.16.02	Board of Trustees
3.16.03	Authority
3.16.04	Contract
3.16.05	Termination
3.16.06	Assets and income
3.16.07	Implementation

3.16.01 Adopted The city adopts the Plan and the Trust Agreement ("Trust") for the Plan for its employees. (Ord. No. 2005-2 & 2005-4, Sec. 1.)

3.16.02 Board of Trustees The city acknowledges that the Executive Committee of the AML will serve as the Board of Trustees for the AML Defined Contribution and Deferred Compensation Plan ("Trustees") and shall only be responsible for the Plan and have no responsibility for other employee benefit plans maintained by the city of Bull Shoals. (Ord. No. 2005-2 & 2005-4, Sec. 2.)

3.16.03 Authority The city is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the Adoption Agreement

and Plan other plan documents. The city reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. (Ord. No. 2005-2 & 2005-4, Sec. 3.)

3.16.04 Contract

- A. The city agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- B. The city accepts the administrative services to be provided by AML and any services provided by an outside Service Provider as selected by the Trustees. The city acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts. (Ord. No. 2005-2 & 2005-4, Sec. 4.)

3.16.05 Termination

- A. The city may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
 - 1. An ordinance of the City Council terminating its participation in the Plan.
 - 2. The ordinance must specify when the participation will end.

The Trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Trustees shall also determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

- B. The city acknowledges that the Plan contains provisions for involuntary Plan termination. (Ord. No. 2005-2 & 2005-4, Sec. 5.)

3.16.06 Assets and income The city acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights

acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. The city must transfer all contributions to the Plan to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. (Ord. No. 2005-2 & 2005-4, Sec. 6.)

3.16.07 Implementation It is the intent of the city that his ordinance and the approval of participation in the AML Defined Contribution Plan supercedes, revokes, and repeals the city's prior approval of participation in the Traveler's Insurance Money Purchase Plan and Trust. All new contributions made by the city on behalf of the employees after implementation of the Plan will be made to the Plan. Funds residing in the Traveler's Insurance Money Purchase Plan will be rolled over to the AML Defined Contribution Plan as soon as is most advantageous to the employee, after implementation of the Plan. (Ord. No. 2005-2 & 2005-4, Sec. 7.)

CHAPTER 3.20

DEFERRED COMPENSATIONS PLAN 457

Sections:

- 3.20.01 Adoption
- 3.20.02 Board of Trustees
- 3.20.03 Terms
- 3.20.04 Contract
- 3.20.05 Termination
- 3.20.06 Assets and income
- 3.20.07 Implementation

3.20.01 Adoption The city adopts the Plan and the Trust Agreement ("Trust") for the Plan for its employees. (Ord. No. 2005-1 & 2005-3, Sec. 1.)

3.20.02 Board of Trustees The city acknowledges that the Executive Committee of the AML will serve as the Board of Trustees of the AML Defined Contribution and Deferred Compensation Plan ("Trustees") and shall be only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the city of Bull Shoals. (Ord. No. 2005-1 & 2005-3, Sec. 2.)

3.20.03 Terms The city is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the Adoption Agreement and other plan documents. The city reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. (Ord. No. 2005-1 & 2005-3, Sec. 3.)

3.20.04 Contract

- A. The city agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- B. The city accepts the administrative services to be provided by AML and any services provided by an outside Service Provider as selected by the Trustees. The city acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts. (Ord. No. 2005-1 & 2005-3, Sec. 4.)

3.20.05 Termination

- A. The city may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
 - 1. An ordinance of the City Council terminating its participation in the Plan.
 - 2. The ordinance must specify when the participation will end.

The Trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Trustees shall also determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

- B. The city acknowledges that the Plan contains provisions for involuntary Plan termination. (Ord. No. 2005-1 & 2005-3, Sec. 5.)

3.20.06 Assets and income The city acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the

exclusive benefit of Participants and their Beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. The city must transfer all contributions to the Plan to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. (Ord. No. 2005-1 & 2005-3, Sec. 6.)

3.20.07 Implementation It is the intent of the city that his ordinance and the approval of participation in the AML Deferred Compensation Plan supercedes, revokes, and repeals the city's prior approval of participation in the Traveler's Insurance Money Purchase Plan and Trust. All new contributions made by the city on behalf of the employees after implementation of the Plan will be made to the Plan. Roll over of prior contributions into the AML plan will be at the discretion of each individual employee with respect to his/her individual account. (Ord. No. 2005-1 & 2005-3, Sec. 7.)

CHAPTER 3.24

CONDUCTING BUSINESS WITH EMPLOYEES AND OFFICIALS

Sections:

3.24.01 Authorization

3.24.01 Authorization The City Council of the City of Bull Shoals, Arkansas, hereby authorizes the City of Bull Shoals, Arkansas to conduct business with any appointed or elected official as well as any city employee owned businesses. (Ord. No. 2015-03, Sec. 1.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise
- 4.08 Telephone Franchise
- 4.12 Business Licenses
- 4.16 Taxicab Franchise
- 4.20 Cable Television Franchise
- 4.24 Privilege Tax and License for Alcoholic Beverages

CHAPTER 4.04

ELECTRIC FRANCHISE

Sections:

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

4.04.01 Electric franchise granted to Arkansas Power and Light Company. The city of Bull Shoals, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Power and Light Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Bull Shoals, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 23, Sec. 1.)

4.04.02 Rights and responsibilities of grantor and grantee.

- A. General Rights and Obligations. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.
- B. Standards and Right-of-Ways. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.
- C. Removal of Hazards; Clearing of Right-of-Ways. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, 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. 23, Secs. 2-4.)

4.04.03 Termination procedure. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until terminated in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 23, Sec. 5.)

4.04.04 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 23, Sec. 6.)

4.04.05 City not liable for negligence of grantee. In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 23, Sec. 7.)

4.04.06 Standard of care for facilities. The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force.(Ord. No. 23, Sec. 8.)

4.04.07 Franchise tax. Beginning in January 1, 1988, AP&L will quarterly determine and pay to the City a franchise payment in an amount equal to four and twenty-five one-hundredths percent (4.25%) of the preceding quarter's current gross residential and commercial electric revenues as paid to AP&L by residential and commercial customers located within the corporate limits of the city of Bull Shoals. Payments shall be made by AP&L to the City the first month of each quarter based on the preceding quarter's revenues. The first such payment is to be made in April, 1988 for the first quarter of 1988. In the first month of each quarter thereafter, AP&L will pay an amount due the City based on the preceding quarter's current gross revenues as collected by AP&L. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Bull Shoals upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

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, imposition or taxes of any kind (other than automobile license fees, special millage taxes, and the general ad valorem taxes) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 9 hereof, to pay the City the sum of four and twenty-five one

hundredths percent (4.25%) quarterly of the preceding quarter's gross residential and commercial electric revenues shall immediately terminate. (Ord. No. 87-10, Sec. 1)

4.04.08 Street lighting. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 23, Sec. 10.)

4.04.09 Contract Upon written acceptance by Grantee, this Ordinance shall constitute a contract between Grantor and the Grantee, and its successors and assigns. (Ord. No. 23, Sec. 11.)

CHAPTER 4.08

TELEPHONE FRANCHISE

Sections:

- 4.08.01 Authority granted for operation of telephone system
- 4.08.02 Wire changes
- 4.08.03 Permission to trim trees
- 4.08.04 Ordinance does not require or permit electric light or power wire attachments
- 4.08.05 Excavations and repair
- 4.08.06 City is held harmless
- 4.08.07 Franchise tax
- 4.08.08 Severability
- 4.08.09 Other ordinances repealed
- 4.08.10 Termination
- 4.08.11 Payment of franchise tax

4.08.01 Authority granted for operation of telephone system. The Northern Arkansas Telephone Company, Incorporated, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Bull Shoals, State of Arkansas, (herein referred to as "City") the plant construction and appurtenances used in or incidental in the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and

maintain its said plant and appurtenances as the business and purposes for which it is, or may be, incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said City as the same from time to time may be established. (Ord. No. 95-7, Sec. 1.)

4.08.02 Wire changes The Telephone Company, on the request of any person, shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes. (Ord. No. 95-7, Sec. 2.)

4.08.03 Permission to trim trees Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, and all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated. (Ord. No. 95-7, Sec. 3.)

4.08.04 Ordinance does not require or permit electric light or power wire attachments Nothing in this ordinance contained shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a pre-requisite to such attachments. (Ord. No. 95-7, Sec. 4.)

4.08.05 Excavation and repair Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the city to pass and enforce the necessary and police regulations for the purpose of protecting the citizens of said city and their property and the property of the Grantor.

Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions and shall as soon as practicable restore all openings on the highway, road, street, avenue, alley and other public places to condition equally as good as before said opening, or obstructions were made. Grantee guarantees satisfactory repair or replacement work following a street excavation for a term of eighteen months from date of initial repair or replacement. Anything to the contrary notwithstanding, when in the judgment of Grantee, it is necessary for the safety of the citizens, to divert or detour traffic from safety of the citizens, to divert or detour traffic from the area of constructions they have the power to so do upon notice to said city. (Ord. No. 95-7, Sec. 5.)

4.08.06 City is held harmless The Grantee shall fully indemnify and save harmless the city from any and all claims for damage for which said city shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said grantee, or because of any act or omission of the Grantee in the construction and operation of its system. (Ord. No. 95-7, Sec. 6.)

4.08.07 Franchise tax The Telephone Company shall pay quarterly (the quarters being identified as calendar quarters) to the city, a franchise tax based on five per cent of all taxable gross revenues from line and instrument charges within the city limits of Bull Shoals. The franchise tax shall be due and payable to the city within thirty days of the end of the quarter collected by the Telephone Company. The franchise tax shall be subject to the city's annual review. If any changes are made in the rate percentage or rate structure the city will notify the Telephone Company at least ninety days prior to the effective date. (Ord. No. 95-7, Sec. 7.)

4.08.08 Severability If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than that part so decided to be invalid or unconstitutional. (Ord. No. 95-7, Sec. 8.)

4.08.09 Other ordinances repealed All other ordinances and agreements and parts of ordinances and agreements relating to the operating of or right to operate a telephone system within said city are hereby repealed. (Ord. No. 95-7, Sec. 9.)

4.08.10 Termination This agreement is entered into pursuant to Arkansas Stat. Ann. 19-2319 (Repl. 1968) and shall remain in full force and effect until December 31, 1999. After the expiration of the initial term of this agreement it shall continue to be in effect until terminated by either party by the giving of notice ninety or more days prior to the proposed termination date. The amount of franchise tax provided for in Section 4.08.07 above may be reviewed and amended at the end of each year from the date of this agreement. (Ord. No. 95-7, Sec. 10.)

4.08.11 Payment of franchise tax The beginning date for the collection of this franchise tax shall be April 1, 1995, and the first payment to the city shall be made within thirty days of the second quarter of 1995 (July 30, 1995) and shall represent taxes collected for the months of April, May and June 1995. (Ord. No. 95-7, Sec. 11.)

CHAPTER 4.12

BUSINESS LICENSES

Sections:

- 4.12.01 License fee
- 4.12.02 Penalty

4.12.01 License fee

- A. Any person, individual, firm, or corporation, engaged in, carrying on or following any trade, business, professional, vocation, or calling within the corporate limits of Bull Shoals shall pay a license fee established by resolution by the City Council of Bull Shoals. (Ord. No. 99-13, Sec. 1.)

The City Council sets the fee for the City Business License at Fifteen Dollars (\$15.00) per year, effective upon the date of its passage. (Ord. No. 2003-7, Sec. 1.)

Those persons, individuals, firms or corporations that are subject to franchise agreements with the city are exempt from this requirement (A.C.A. 26-77-102).

- B. No person, individual, firm, or corporation shall pay a license fee established in this ordinance in more than one (1) city, unless such person, individual, firm, or corporation maintains a place of business in the city of Bull Shoals. (Ord. No. 9 21, Sec. 1(B)).
- C. Occupational License Required:
 - 1. It shall be unlawful for any person, individual, firm, or corporation to engage in, exercise, or pursue any line of commercial business within the corporate limits of city without having first obtained from the city an annual occupational license. (Ord. No. 95-21, Sec. 1(C)).
 - 2. Each person with no physical location within the city engaged in business who shall perform over three (3) transactions of business within one (1) calendar year within the corporate limits shall be required to procure an occupational license from the city unless such person possesses a valid occupational license in the city where it maintains a physical location. (Ord. No. 95-21, Sec. 1(C)).

3. Each person entering with the intent to solicit within Bull Shoals city limits shall be required to procure in advance, an occupation license from the city. (Ord. No. 2003-3, Sec. 1.)
 4. The city of Bull Shoals occupation license is good for three (3) months, renewable upon termination, for those solicitors making solicitor initiated contacts at private residences (regulated by A.C.A. 89-101 to 110). (Ord. No. 2003-03, Sec. 1.)
- D. Except as herein provided, all annual occupational licenses issued under this ordinance shall be paid annually in advance, on or before, January 1, 1996; and a like annual license fee payment shall be made on or before January 1st of each succeeding year.
- E. If the annual occupational license fee is not paid by January 31st of the year in which it is due and payable, a penalty of double the amount of the license fee will be assessed; also, if it becomes necessary, the city shall add to the license fee and penalty, any expenses incurred in the collection of a fee (A.C.A. 26-77-101).
- F. Falsification or failure to furnish information:
1. In applying for a license under the provisions of this ordinance, it shall be unlawful for any person knowingly and willfully to make a false written or verbal statement for the purpose of defrauding or deceiving the city.
 2. It shall be unlawful for any person, firm, individual, or corporation to fail or refuse to furnish to the city all required information required for application of an annual occupational license.
- G. Separate license for each trade or business:
1. Any person engaged in two or more trades, callings, vocations, businesses and or professions shall be required to take a license for each separate trade, business, vocation or profession. Wherein a single business having inter-relating licensable activities, only one license will be required.
 2. When a person has more than one place of business, each place of business shall be considered a separate and distinct business and shall be separately assessed and fees paid for the same, unless the context clearly requires otherwise.
- H. No part, portion, or fraction of any collected annual occupational license fee shall be returned if or when a licensee surrenders his license or discontinues his business, firm, or corporation.

- I. The ownership of any annual occupational license, issued under the provisions of this ordinance, shall not be transferable. A new annual occupational license must be secured by the new ownership of a business, or firm within 30 days from the time that it is sold or ownership transferred.
- J. Every person, individual, firm or corporation doing business in or from the city corporate limits shall have an annual occupational license conspicuously posted for public viewing.
- K. Any holder of an annual occupational license shall immediately produce for inspection said license to any officer of the city when verbally requested to do so.
- L. In order to obtain a license from the city, the following information shall be provided:
 - 1. the name of the person, individual, firm, business, or corporation to whom the annual occupational license is being issued, and
 - 2. the character of the trade, business, occupation, vocation, calling, or profession to be engaged in, under the auspices of the occupational license and
 - 3. the premises wherein the activities expressed in paragraph 2 above shall be performed, and
 - 4. the Arkansas State Sales Tax Permit Number under which the annual occupational licensed activity shall be conducted, if applicable.
- M. City record retention: A copy of the application for an issued annual occupational license shall be filed alphabetically, and maintained by the Mayor's clerk for two years. After two years, from the date of issuance, each year's file of license applications shall be placed in storage and retained for ten (10) years. (This file is to create a historical background of the city's businesses.) (Ord. No. 95-21, Sec. 1.)

4.12.02 Penalty Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of an ordinance violation and fined in any sum not less than the amount of the license fee fixed herein, and not more than twice the amount of said fee plus the expenses incurred by the city in resolving the issue. (Ord. No. 95-21, Sec. 2.)

CHAPTER 4.16

TAXICAB FRANCHISE

Sections:

4.16.01	License
4.16.02	Definition
4.16.03	Filing application
4.16.04	Compliance with provisions
4.16.05	Insurance
4.16.06	Hearing
4.16.07	Fees
4.16.08	Drivers' certificate
4.16.09	Operators' fees
4.16.10	Cruising not allowed
4.16.11	Revoking permit
4.16.12	Fine

4.16.01 License Hereafter no person, firm, corporation or association shall engage in or carry on the business of motor driven taxicab business in the city of Bull Shoals, Arkansas, without first procuring from the City Council of said city a license and permit to do so. (Ord. No. 87-1, Sec. 1.)

4.16.02 Definition The word taxicab as herein used shall mean and refer only to motor driven vehicles engaged in the transporting of passengers for hire from place to place within the city of Bull Shoals and which are not licensed or authorized to operate such business by the Public Service Corporation of the state of Arkansas. (Ord. No. 87-1, Sec. 2.)

4.16.03 Filing application Before granting a permit or permits for the operation of a taxicab or taxicabs within said city, the City Council shall require the applicant or applicants for such permit to file with the City Recorder of said city an application, verified by oath, setting forth the facts showing his or its qualifications to render the service or services for which he seeks the permit, together with the facts which he considers justify and require the rendering to the public of such service, giving the address and telephone number of his place of business or stand for operating said business, the names and addresses of all persons, firms or corporation having any interest in said business, and if a corporation, the names, addresses and number of shares held by each of the stockholders and the names and addresses of its officers, a complete detailed statement of the rates to be charged by the taxicab operator, a complete list of cars used or to be used in the business, the names of the owners of said cars and the equity of said owners therein, the makes of said cars, the year, model, seating capacity and motor or serial number. (Ord. No. 87-1, Sec. 3.)

4.16.04 Compliance with provisions Before granting a permit or permits for the operation of a taxicab or taxicabs with said city, the City Council shall require the applicant or applicants for such permit to file with the city a statement, verified by oath, showing proof of compliance with all terms and provisions of all as relating to the operation or license of taxicabs, all these statutes being hereby adopted and made part of this ordinance just as if such terms were set forth, in their entireties, herein. (Ord. No. 87-1, Sec. 4.)

4.16.05 Insurance Any person, firm, corporation or association who may be granted a permit to operate a taxicab or taxicabs, as herein provided, shall be required before beginning operation and before receiving a permit to do so to furnish evidence that he or it then has filed with the Commissioner of Revenue of the state of Arkansas, a liability contract of insurance or certificates of insurance, issued to the owner of such taxicab, which shall be substantially in the form of the standard automobile liability insurance policy in customary use, to be approved by the Commissioner of Revenue, and issued by an insurance company licensed to do business in the state of Arkansas, said policy to secure payment, in accordance with the provisions thereof, to any person, except employees of the owner, for personal injuries to such persons and for any damage to property owned by, rented to, leased to, in charge of, or transported by the owner, other than baggage of passengers, caused by the operation of such taxicab, for the following amounts:

As respects injuries to persons, to the extent of fifty thousand and no/100 dollars (\$50,000.00) for the injury or death of any one (1) person and subject to that limit for each person; one hundred thousand and no/100 dollars (\$100,000.00) for each accident; and, as respects damage to property, twenty-five thousand and no/100 dollars (\$25,000.00) for each accident. It is further provided, however, that in lieu of such policy of insurance such owner may file a bond to be signed by some solvent Surety Company licensed to do business in this state, which bond shall be in the form approved by the business in this state, which bond shall be in the form approved by the Commissioner of Revenue, and shall be conditioned for the payment of property damage and personal injuries in the same manner and to the same extent herein provided in the case of the filing of insurance policy of policies. (Acts 1949, No. 485, 1, p. 1369; 1961, No. 473, 1, p. 1457.) (Ord. No. 87-1, Sec. 5.)

4.16.06 Hearing Upon filing of an application as herein provided the City Council shall cause notice to be given to every such applicant for a reasonable time in writing of the time and place of hearing thereon by the City Council and all persons interested in or affected by such application shall have the right to be heard and to introduce evidence either in support of or in opposition to such application or applications. (Ord. No. 87-1, Sec. 6.)

4.16.07 Fees Before any permit shall be authorized or issued under the provisions of this ordinance the applicant thereof shall be required to pay to the city of Bull Shoals the sum of One Hundred Dollars (\$100.00) which shall authorize him to operate one (1) taxicab only, and for each additional taxicab that such person operates he shall be required to pay the sum of One Hundred Dollars (\$100.00); and all fees thus collected by said city shall be used, first to defray

the expense of enforcing the provisions of this ordinance, and second, for such other purposes as may be authorized by the City Council. (Ord. No. 87-1, Sec. 7.)

4.16.08 Drivers' certificate No person shall drive a taxicab, nor shall any taxicab operator employ a driver unless said driver shall first obtain from the Mayor of said city a certificate entitling him to drive a taxicab and no person shall drive a taxicab nor shall any taxicab operator continue to employ a driver unless said driver's certificate remain in force and is renewed from time to time. Said certificate shall be in addition to any licenses required by law or ordinances of said city. A certificate to drive may be obtained by filing with the Mayor of said city a sworn application including: (1) the name, age and address of applicant; (2) where applicant has been employed for the past three (3) years, giving names and addresses of his former employers; (3) a certificate from a reputable physician of Baxter/Marion County to the effect that he is physically and mentally sound and is free from any communicable disease; and (4) a statement from the chief of police that his reputation is good and that he should be granted the certificate. Said certificate shall be valid for only the calendar year for which or during which it is issued and shall not be issued until the application therefore has been approved by the City Council. The fee for the issuance of such certificate shall be the sum of Ten Dollars (\$10.00) and shall be in addition to any other fee provided by this ordinance. This section shall apply to the owners or any other person or persons who may drive or operate any taxicab under the provisions of this ordinance. (Ord. No. 87-1, Sec. 8.)

4.16.09 Operators' fees The fees to be charged by the operators of taxicabs under this ordinance shall first be approved by the City Council of said city and shall be subject to change from time to time. (Ord. No. 87-1, Sec. 9.)

4.16.10 Cruising not allowed It shall be unlawful for any driver of any taxicab to solicit passengers by speaking to or accosting any person at any place in said city, except on private property by virtue of contact made with the operator of said taxicab business; and it shall be unlawful for any owner, operator or driver of any taxicab in said city to cruise or to permit the cruising of any taxicab upon the streets or public ways of said city for the purpose of collecting passengers; and the word "cruise" or "cruising" as used in this ordinance shall mean the driving or operating of a taxicab over any of the public streets or ways of said city except for the purpose of discharging or receiving passengers subsequent to a call or request.(Ord. No. 87-1, Sec. 10.)

4.16.11 Revoking permit Any permit issued to any person, firm , corporation or association or any certificate issued to any driver hereunder may be revoked by majority vote of the City Council of said city of Bull Shoals upon the conviction of the owner or holder thereof of the violation of any criminal law of the State of Arkansas, the United States, or any ordinance of the city of Bull Shoals. (Ord. No. 87-1, Sec. 11.)

4.16.12 Fine Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00), and each day this ordinance or any provision thereof is violated shall constitute a separate offense. (Ord. No. 87-1, Sec. 12.)

CHAPTER 4.20

CABLE TELEVISION FRANCHISE

Sections:

4.20.01	Operation
4.20.02	Broadcasting
4.20.03	Liability
4.20.04	Video signal
4.20.05	Maintenance
4.20.06	Lines and cables
4.20.07	Service failure
4.20.08	Installation fees
4.20.09	Hotel and motel fees
4.20.10	Time period
4.20.11	Franchise fee
4.20.12	Franchise extended
4.20.13	FCC Rate Regulations
4.20.14	Interested parties
4.20.15	Filing with FCC
4.20.16	Consultant and costs
4.20.17	Mayor to file FCC forms

4.20.01 Operation The Flippin TV Cable Co, its successors and assigns be and it is hereby granted an exclusive franchise to operate a continuous Television Cable Service within the corporate limits of the city of Bull Shoals, subject to the conditions and limitations hereinafter set out. (Ord. No. 107, Sec. 1.)

4.20.02 Broadcasting The Flippin TV Cable Co. (hereinafter referred to as the Company) shall construct, maintain and operate a signal amplifying station for receiving, amplifying and distributing direct to the inhabitants of the city of Bull Shoals, Arkansas, a composite signal of standard broadcasting stations, with a minimum of eleven channels. (Ord. No. 107, Sec. 2.)

4.20.03 Liability Said Company shall have the right, and shall be charged with, the duty of providing the general public, within the corporate city of Bull Shoals with amplified composite signal originally transmitted by standard studios which are licensed to transmit within the Continental United States or its possessions; however, the company shall not be liable for freak or unusual receptions wherein, due to peculiar atmospheric conditions, a signal originating outside the United States may be received on a standard television channel which is licensed and operating in the United States. (Ord. No. 107, Sec. 3.)

4.20.04 Video signal The Company shall at all times, endeavor to receive, amplify and distribute through its facilities a composite video signal containing as many standard television channels and/or networks as may reasonably be expected under the limitations of distance, natural barriers, and available equipment; provided further, that the company shall endeavor to keep its facilities reasonably modern by replacing equipment which becomes obsolete, and by altering the facilities to provide signals from new channels which may provide a reasonably receivable signal hereafter. (Ord. No. 107, Sec. 4.)

4.20.05 Maintenance Said Company shall construct, maintain and operate all of its equipment in a proper workman-like manner so as not to endanger the life, health and property of any of the inhabitants of the City; provided further, that the Company shall install and maintain such safety equipment as a reasonably prudent person would be expected to do in the premises. (Ord. No. 107, Sec. 5.)

4.20.06 Lines and cables The Company shall construct and maintain all of its transmission lines and cables and other equipment in such a manner and place so as not to interfere with the normal operation, maintenance and use of the streets and alleys of the city of Bull Shoals provided further that the Company will, at its expense move any poles, lines, cables or other equipment when necessary to effect change in the location, width, construction or use of any of the said streets and alleys, when requested to do so by the City Council. (Ord. No. 107, Sec. 6.)

4.20.07 Service failure Services rendered by the Company shall be continuous, except that said Company shall not be liable for service failure due to an Act of God, civil disturbance or failure of the original broadcaster. (Ord. No. 107, Sec. 7.)

4.20.08 Installation fees The Installation fee shall be Fifteen Dollars (\$15.00) and after cable is in operation, the fee shall be increased to Seventeen Dollars, Fifty Cents (\$17.50). A monthly service charge shall be Eight Dollars, Fifty Cents (\$8.50) for one TV set and One Dollars (\$1.00) per month for each additional set in the home. If Show Time is available, an additional charge of Nine Dollars (\$9.00) per month plus One Dollar, Sixty Cents (\$1.60) hook-up fee. If HBO is available, and initial charge of Twenty-Eight Dollars (\$28.00) if converter is necessary plus a Ten Dollars (\$10.00) hook-up charge. If converter is not necessary for HBO, the charges will be the same as Show Time. Either Show Time or HBO are optional with the customer. These together with the franchise set forth in 4.20.11 hereof shall be subject to reconsideration by the Company and city of Bull Shoals at the end of any three years during the term of this franchise, but any charge which shall be made in request hereto must be by mutual agreement of the Company and the City. Such mutual agreements shall be made based on the Company's charges being fair and reasonable and no higher than necessary to meet all lawful costs or operation (assuming efficient and economical increment) including a fair return on the investment. (Ord. No. 107, Sec.8.)

4.20.10 Time period Unless construction of the above proposed facility has begun within a period of three months after the passage of this ordinance and/or unless operation of the system has begun within six months of said date, the City may revoke and cancel this franchise; provided that nothing in this section shall prevent the City from making extensions of time by proper resolution. (Ord. No. 107, Sec. 9.)

4.20.11 Franchise fee The consideration to be paid the city of Bull Shoals for operation under this franchise shall be three percent (3%) of the gross receipts, except charges for installation. Said amount shall be paid into the City Treasury within thirty days from date of such receipt. (Ord. No. 107, Sec. 10.)

4.20.12 Franchise extended The Franchise is hereby extended on the same terms and conditions for an additional fifteen (15) years, and as extended shall expire on April 8, 2021. (Ord. No. 05-7, Sec. 1.)

Except as amended hereby, the Franchise shall remain in full force and effect and is hereby ratified and confirmed in all respects. (Ord. No. 05-7, Sec. 2.)

4.20.13 FCC Rate Regulations The City will follow the FCC Rate Regulations in its regulations of the basic service rates and charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provision in the franchise. (Ord. No. 93-14, Sec. 1.)

4.20.14 Interested parties In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties. (Ord. No. 93-14, Sec. 2.)

4.20.15 Filing with FCC The Mayor or his or her designee, is authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate basic service rates and charges. (Ord. No. 93-14, Sec. 3.)

4.20.16 Consultant and costs

- A. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.
- B. All costs for the review of initial rates or rate changes shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants,

attorney's fees and the reasonable value of services (as determined by the City) rendered by the City or any City employees, agents or representatives of the City. (Ord. No. 93-14, Sec. 4.)

4.20.17 Mayor to file FCC forms The Mayor is hereby authorized and directed to file two completed FCC Forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P.O. Box 18539
Washington D.C. 20036

The Mayor is further directed to mail a completed copy of this Form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the FCC. (Ord. No. 93-12, Secs. 1-2.)

CHAPTER 4.24

PRIVILEGE TAX AND LICENSE FOR ALCOHOLIC BEVERAGES

Sections:

- 4.24.01 Definitions
- 4.24.02 Application
- 4.24.03 Fee – wholesale dealers, beer and malt liquors
- 4.24.04 Fee – wholesale dealers – liquor, beer and malt liquors
- 4.24.05 Fee – retail dealers, beer
- 4.24.06 Fee – retail package stores – liquor, wine, beer, and malt liquor
- 4.24.07 Location
- 4.24.08 Hour of operation
- 4.24.09 Age limitation
- 4.24.10 Other licenses and fees
- 4.24.11 Display of licenses/permits
- 4.24.12 Criminal acts
- 4.24.13 Penalties and/or fines
- 4.24.14 Enforcement

4.24.01 Definitions

Alcoholic beverage shall mean alcohol, spirituous, spirits, vinous, wine, and beer and/or their by-products.

Employee shall mean any agent, manager, clerk or other person employed by the package goods person, any person hired or employed on a contractual basis or any person receiving any remuneration for his/her services be it currency, indebtedness or services performed.

Package goods shall mean the wholesale/retail sale of alcoholic beverages enclosed in the original bottle, jug, can, keg, cask or other receptacle or container, corked, capped or sealed and labeled by the manufacturer of alcoholic beverage, to contain and convey and alcohol.

Person shall mean one or more persons, a company, a corporation, partnership, a syndicate or association.

Premises shall mean the place of business completely enclosed location particularly described in a liquor license where alcoholic beverages are stored, displayed or offered for sale. (Ord. No. 2007-3, Sec. 1.)

4.24.02 Application

- A. Before any person shall engage in the wholesale/retail alcoholic beverage business in the city of Bull Shoals an application shall be made to the city for the granting of a license.
- B. Said application shall contain a sworn statement of the name of the business sought to be licensed, its address, the name(s), home address(es) home telephone number(s) of all person(s) owning or holding any interest in said business. The name(s), address(es) and telephone number(s) of the owner(s) of the premises in which the business is to be conducted. The applicant's state license, City Certification of occupancy, proof of insurance in the form of a copy of the policy and non-refundable license fee of Two Hundred Fifty Dollars U.S.. (\$250.00) shall accompany such application.
- C. If the premise is leased, a copy of the lease which includes, but not limited to the dates the lease is valid. Each time the lease is renewed, a copy will be submitted to the city.
- D. Package goods license is non-transferable.

- E. If the premise is sold, sub-leased or there is any change in the ownership of the premise and/or person(s) involved in the application, the license is void. A new application process must be instituted including any fee(s).
- F. Package goods license is valid for one year from the date of issuance and must be renewed. (Ord. No. 2007-3, Sec. 2.)

4.24.03 Fee – wholesale dealers, beer and malt liquors The business of storing, transporting and/or selling beer or malt liquors at wholesale within the city is hereby declared to be a privilege, and for the exercise of such privilege there is levied an annual tax in the sum of One Hundred Fifty Dollars U.S.C. (\$150.00) for each such business conducted. (Ord. No. 2007-3, Sec. 3.)

4.24.04 Fee – wholesale dealers – liquor, beer and malt liquors The business of storing, transporting and/or selling of spirituous, vinous (except Arkansas produced wines), beer and malt liquors at wholesale within the city is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual tax in the sum of Three Hundred Dollars U.S.C. (\$300.00) for each such business conducted. (Ord. No. 2007-3, Sec. 4.)

4.24.05 Fee – retail dealers, beer The business of storing, transporting selling and/or dispensing at retail of any and all malt liquors and beer for off-premise consumption within the city is hereby declared to be a privilege, and for the exercise of such privilege thereby an annual privilege tax shall be levied as follows:

- A. For each retailer doing business within the city, Fifteen Dollars U.S.C. (\$15.00) for a retailer whose total gross annual sales do not exceed One Thousand Dollars (\$1,000.00); Twenty Dollars U.S.C. (\$20.00) for a retailer whose total gross annual sales exceeds One Thousand Dollars (\$1,000.00), but do not exceed Two Thousand Dollars (\$2,000.00), plus an additional Five Dollars U.S.C. (\$5.00) for each One Thousand Dollars (\$1,000.00) gross annual sales in excess of Two Thousand Dollars (\$2,000.00).
- B. At the time each retail dealer applies for a new permit/license, said retail dealer shall file with the City Clerk an affidavit signed by said retail dealer showing gross revenues received by said retail dealer from the sale of beer and/or malt liquors during the preceding year.
- C. The City Clerk, either personally or through his/her authorized agent(s), shall have the right to inspect and examine the records of every retail dealer subject to the tax required by this provision.
- D. Whenever the City Clerk has ascertained that a retail dealer has secured a permit for an amount less than that which should have been paid, he/she shall require the payment of the difference plus a penalty in an amount equivalent to one hundred

percent (100%) of said difference or cancel the permit. The City Clerk shall notify the Director of Alcohol Beverage Control of the identity of the retailer(s) failing to comply with the provisions of this section, in order that the Director may notify wholesale dealers to discontinue sales to such delinquent retailer(s) in accordance with A.C.A. 3-5-212. When such permit/license fee and penalty is paid to the City Clerk, the Clerk shall notify the Director of Alcohol Beverage control that such retailer has paid said fee. (Ord. No. 2007-3, Sec. 5.)

4.24.06 Fee - retail package stores – liquor, wine, beer and malt liquor The business of storing, transporting, selling and/or dispensing at retail alcoholic beverages (except Arkansas produced wines) within the city is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual privilege tax of Two Hundred Fifty Dollars U.S.C. (\$250.00) for each retail premise operated within the city. (Ord. No. 2007-3, Sec. 6.)

4.24.07 Location It shall be unlawful for any person to sell or engage in the wholesale or retail alcohol beverage business at any location other than that zoned for C-1 or C-2. (Ord. No. 2007-3, Sec. 7.)

4.24.08 Hours of operation

- A. It shall be unlawful for any person and/or employee to sell, offer to sell or give away at wholesale or retail any alcoholic beverage before the hour of 7:00 a.m. (CST) and after 12:00 midnight (CST) and on Sunday.

NOTE: Per A.C.A. 3-4-407, Subsections (B) and (C), these more restrictive hours shall be punishable by a fine of One Hundred Dollars (\$100.00) to Five Hundred Dollars (\$500.00) and that violation shall not be considered to be an administrative violation against the permit issued by the division. Enforcement shall be by local law enforcement officers within the jurisdiction where such ordinance is in effect. Such citation(s) shall be heard only in local court.

- B. It shall be unlawful to consume any alcoholic beverage on the premises by anyone at anytime.
- C. It shall be unlawful for any person other than the person(s) of ownership and/or his/her employee(s) to be on the premises after closing and on Sunday. (Ord. No. 2007-3, Sec. 8.)

4.24.09 Age limitations

- A. It shall be unlawful to sell or give away any alcoholic beverage to anyone under the age of twenty-one (21) years of age.
- B. The burden of proof legal age shall fall on the person of ownership and/or their employee(s).

- C. It shall be unlawful for anyone under the age of twenty-one (21) years to be employed and/or allowed behind the business counter, to stock alcoholic beverages or to ring up sales. (Ord. No. 2007-3, Sec. 9.)

4.24.10 Other licenses and fees Every person shall procure, in addition to this license pursuant to this ordinance all other licenses and/or permits issued by the city, county and state. (Ord. No. 2007-3, Sec. 10.)

4.24.11 Display of licenses/permits

- A. All licenses and/or permits issued by the city, county and state for package goods sale shall be contained in a clear view frame and displayed in a conspicuous location within the premises for general public viewing.
- B. The person of ownership and/or their employee(s) must provide said licenses/permits on demand to any authorized on-duty law enforcement personnel for inspection. (Ord. No. 2007-3, Sec. 11.)

4.24.12 Criminal acts It is unlawful for the person of ownership and his/her employee(s) not to immediately notify 911 and/or the Bull Shoals City Police Department when he/she knows a crime has been committed on the premises, be it a misdemeanor or felony. (Ord. No. 2007-3, Sec. 12.)

4.24.13 Penalties and/or fines

- A. Every person or employee who violates any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof and the license of such person shall be subject to revocation or suspension.
- B. Upon conviction thereof, a fine of not less than One Hundred Dollars U.S.C. (\$100.00) nor more than Five Hundred Dollars U.S.C. (\$500.00) plus court cost for each day's violation of said section shall constitute a separate offense. (Ord. No. 2007-3, Sec. 13.)

4.24.14 Enforcement Enforcement of this ordinance shall rest with the Chief of Police of the city of Bull Shoals, Arkansas, and his sworn officers. (Ord. No. 2007-3, Sec. 14.)

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Solid Waste Collection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Notice required
- 5.04.03 Notification of unknown real property owner
- 5.04.04 Enforcement of lien and collection of costs
- 5.04.05 Fine
- 5.04.06 Abandoned Vehicles
- 5.04.07 Trash Dumping Prohibited
- 5.04.08 Flow of water
- 5.04.09 Gutter maintenance required

5.04.01 Unsightly or unsanitary conditions on real property All property owners within the City of Bull Shoals, Arkansas, are hereby required to cut weeds, remove garbage, rubbish and other unsanitary and/or unsightly articles and things from their property, and to eliminate, fill up or remove stagnant pools of water and/or any other unsanitary things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health or well being of the Community. Weeds or grass allowed to grow over twelve (12) inches high shall be deemed a violation of this section. (Ord. No. 2008-2, Sec. 1.)

5.04.02 Notice required If the owner or owners of any lot or other real property within the City of Bull Shoals, Arkansas, after the giving of a seven (7) day notice in writing by the Mayor or his/her designee shall refuse or neglect to perform the duties in connection with his or their property as specified in Section One (1) hereof, the City Chief of Police or his designated officer is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminated any unsanitary and unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereon. (Ord. No. 2008-2, Sec. 2.)

5.04.03 Notification of unknown real property owner In case the owner of any real pr-

operty is unknown or his whereabouts is not known or is a non-resident of this State, then a copy of the notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Recorder shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents, and thereupon service of publication as now provided for by law against nonresident defendants may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 2008-2, Sec. 3.)

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

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court or Small Claims Court.
- B. The amount of the lien herein provided may be determined at a hearing before the City Council of the city of Bull Shoals, Arkansas, held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Marion County, Arkansas, for one (1) insertion per week for four (4) consecutive weeks and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Council of the city of Bull Shoals, Arkansas, to the Marion County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the city of Bull Shoals, Arkansas. (Ord. No. 96-8, Sec. 5.)

5.04.06 Fine Not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each day that said condition shall exist, shall be considered a continuing offense subject to an additional fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 2008-10, Sec. 1.) Enforcement of this ordinance can also be as provided in Arkansas Code Ann. 14-54-903 and 14-54-904. (Ord. No. 2008-2, Sec. 5.)

5.04.07 Abandoned Vehicles

- A. A "Vehicle" for the purpose of this Ordinance is any vehicle which is self propelled and designated to travel along the ground and/or any equipment required by State Statue to display registration plate(s). This shall include, but not limited to, automobiles, motorcycles, hobby, ATV, motor scooter, golf cart and motor home. If registration plate(s) are required by State Statue, they must be properly affixed, unexpired and/or registered to the vehicle in question.
- B. A "Trailer" for the purpose of this Ordinance is any vehicle drawn by another having motive power and are designed to travel along the ground and/or any equipment required by State Statue to display registration plate(s). This shall include, but not limited to, boat,

- moving, hauling, animal, utility and/or house trailers. If registration plate(s) are required by State Statute they must be properly affixed, unexpired and/or registered to the trailer in question.
- C. "Abandoned" for the purpose of this Ordinance are any of the above described vehicles/trailers (see Sections 1 & 2) whose condition is that of wrecked, dismantled, partially dismantled, inoperative, discarded or dilapidated condition, even if it has current valid registration plate(s).
- D. It shall be unlawful for any property owner(s) to allow abandoned vehicle(s)/trailer(s) visible on their property and/or public way.
- E. The property owner(s) shall be notified by certified mail or in person by a member of the Bull Shoals Police Department who shall document the date and time the owner(s) was notified or a notice shall be posted on the vehicle(s) if the owner(s) name and current address is unknown that if the vehicles/trailers are not removed from the view of the general public by complete removal or removal to a garage, shed or other structure or placed behind a six (6) foot high screening fence on all sides within ten (10) days they will be issued a citation for non-compliance. Also, the abandoned vehicle/trailer can be sold at public or private sale with all expenses of the city being paid first and the balance held as per applicable state law.
- F. Upon conviction the property owner(s) who violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Under the provisions of Arkansas Statute 14-55-504, upon conviction, shall be fined in any sum of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). Each day will be considered a separate violation and is continuous in nature in respect to time; the fine shall not be less than One Hundred Dollars (\$100.00) or more than Two Hundred Fifty Dollar (\$250.00) for each day that it is unlawfully continued.
- G. Enforcement of this Ordinance will be the responsibility of the Bull Shoals Police Department. (Ord. No. 2009-5, Secs. 1-7.)

5.04.07 Trash Dumping Prohibited

- A. It shall be for any person, firm, association, company or corporation to dump or throw any form of trash, refuse, cans, bottles, garbage, paper, rags or any other kind or form of trash or garbage upon the streets, alleys, byways or easements of the City of Bull Shoals, Arkansas.
- B. Any person, firm, association, company or corporation who violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

5.04.08 Flow of water

- A. That every person, firm, association, company or corporation constructing a driveway over any public ditch within the City of Bull Shoals, Arkansas, shall provide some adequate means for the continued flow of water through said ditch; such opening shall be made by tile or other materials to be approved by the Director of Public Works of the City of Bull Shoals, Arkansas. (Ord. No. 2008-4, Sec. 1.)
- B. Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and each day that said condition shall exist shall be considered a continuing offense subject to an additional fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 2008-4, Sec. 2.)
- C. The Mayor or his/her designee is hereby authorized to enforce the provisions of this ordinance. (Ord. No. 2008-4, Sec. 3.)

5.04.09 Gutter maintenance required

- A. That the owner(s) or occupant(s) of any block or lot or part of block or lot in the City of Bull Shoals, Arkansas, abutting on any gutter or ditch of any street of said City shall be and are hereby required to keep the said gutter or ditch upon which the premises owned or occupied by them may abut, clean and clear of all obstructions to the free flow of water therein, and any and all persons are hereby prohibited from depositing or permitting any deposit in any street, gutter or ditches of said City, any matter or thing that will obstruct or cause to be obstructed the free flow of water therein, provided that nothing herein contained shall be so construed as to apply to obstructions caused by the natural flow of water. (Ord. No. 2008-5, Sec. 1.)
- B. Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than One Hundred Dollars (\$100.00) nor more the Five Hundred Dollars (\$500.00). Each day that said condition shall exist, shall be considered a continuing offense subject to an additional fine of not less than One Hundred Dollars (\$ 100.00) nor more than Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 2008-5, Sec. 2.)
- C. The Bull Shoals Police Department is hereby authorized to enforce the provisions of this ordinance. (Ord. No. 2008-5, Sec. 3.)

CHAPTER 5.08

SOLID WASTE COLLECTION

Sections:

5.08.01	City shall collect garbage and waste
5.08.02	Definitions
5.08.03	Collection times
5.08.04	Sanitation fee
5.08.05	Containers
5.08.06	Exclusions
5.08.07	Burning and littering
5.08.08	Authority to regulate fees
5.08.09	Terms of contract
5.08.10	Fine
5.08.11	Effective
5.08.12	Recyclable materials

5.08.01 City shall collect garbage and waste The city of Bull Shoals, its agents and employees or persons, firms or corporations contracted for such purposes, shall collect and remove all garbage and waste in the city of Bull Shoals from residential dwellings. No person, firm or corporation shall be permitted to collect and remove garbage and waste commercially for a fee, unless approved by the City Council. (Ord. No. 91-2, Sec. 1.)

Excluded from the definition of residential dwellings are dwellings associated with churches and dwellings whose occupants own and operate a commercial enterprise within the city limits and who dispose of their residential waste through commercial contract. This exemption applies only to those who make proper application with a notarized affidavit that their residential solid waste, is in fact, being processed through a commercial contract held by the church or business. (Ord. No. 92-5, Sec. 1.)

5.08.02 Definitions Garbage and waste within the meaning of this ordinance shall mean and be construed to include all rejected food waste, every refuse accumulation of animal, fruit or vegetable matter, tin cans, glass and rubbish from homes. The terms garbage and waste shall not in any way refer to large appliances, car bodies, dead animals, wood, limbs, branches, brush and other such items. Apartment buildings and apartments are, for the purposes of this ordinance, considered commercial. (Ord. No. 91-2, Sec. 2.)

5.08.03 Collection times The city of Bull Shoals will collect, or cause to be collected, garbage and waste from all residences at least once weekly. In addition, recyclable items such as colored and clear glass, aluminum cans, plastic food containers, and newsprint and cardboard shall be flattened and tied in approximately twenty-five (25) pound bundles. (Ord. No. 91-2, Sec. 3.)

5.08.04 Sanitation fee For the sanitation services rendered under this ordinance by the city of Bull Shoals, all persons, residents or occupants or owners of residences, shall pay a sanitation fee as follows:

- A. The City Council sets the rate for solid waste pick-up at Ten Dollars (\$10.00) per month, for each active residential account and each commercial account not using a service outside the city of Bull Shoals Solid Waste Contract, to be effective on the first billing cycle after the date of this ordinance. (Ord. No. 2006-10, Sec. 1.)
- B. The sanitation charge shall be billed as follows: monthly and added to the monthly water/sewer bill.
- C. The fees provided for herein shall be paid to the city of Bull Shoals within ten days from the billing date. If a sanitation charge is not paid within ten days from each billing date, a penalty of ten percent (10%) of each delinquent fee is hereby levied upon the person delinquent in payment, and said penalty shall become a part of and be collected with the regular fees heretofore levied. In the event any fee levied herein remains unpaid for a period in excess of thirty (30) days, the city of Bull Shoals is hereby authorized to institute a civil suit for the recovery of said fee with any penalties that may be attached thereto, together with all court costs. (Ord. No. 91-2, Sec. 4.)

5.08.05 Containers All residential customers shall place the garbage and waste in sealed plastic garbage bags, or other similar containers as specified by the city of Bull Shoals. All garbage must be drained of liquid substances before being placed in such containers.

It is hereby made the duty of the occupant of every dwelling in the city to have the garbage and waste on their respective premises placed at a site at the edge of the city street approved by the collecting authority and available for collection. No unauthorized person or persons shall disturb, remove or collect, any garbage or waste situated in any container and located within the city limits of the city of Bull Shoals. (Ord. No. 91-2, Sec. 5.)

5.08.06 Exclusions The ordinance shall not in any way obligate the city, its agents, employees or contractor to clean or pick up refuse or debris resulting from the demolition of construction on property where buildings are being removed, constructed or repaired, nor wood or limbs resulting from removal of trees, bushes or shrubs on private property. (Ord. No. 91-2, Sec. 6.)

5.08.07 Burning and littering It shall be unlawful for any person to burn any garbage or waste. It shall be unlawful for any person to place or throw garbage, trash or refuse on any vacant lot, street, ditch, gutter or alley in the city of Bull Shoals. (Ord. No. 91-2, Sec. 7.)

5.08.08 Authority to regulate fees The City Council shall have the power and authority to reduce or increase the fees to be charged hereunder for said service by resolution. (Ord. No. 91-2, Sec. 8.)

5.08.09 Terms of contract All services provided for herein may be contracted to a person or persons, firm or firms, corporation or corporations, or combination of the three; such contractor shall at all times be amendable to the ordinances, resolutions, regulations and control of the City Council or its duly appointed agents or employees; failure of such contractor to comply with the federal and state laws, rules and regulations applicable to land-fill operation, ownership and use shall terminate any and all contracts pertaining to same without notice. (Ord. No. 91-2, Sec. 9.)

5.08.10 Fine Any person, firm or corporation violating any provision of this ordinance or failing to pay any of the fees or penalties provided herein shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 91-2, Sec. 10.)

5.08.11 Effective This ordinance shall become effective January 1, 1991. (Ord. No. 91-2, Sec. 11.)

5.08.12 Recyclable materials

- A. When recyclable materials are placed at curbside or at drop-off points, said materials become the property of the city of Bull Shoals Recycle Department.
- B. These materials can only be picked up by appropriate city personnel and the city-contracted waste hauler.
- C. If any one other than those named in Section B of this ordinance picks up recyclable materials, he or she shall be guilty of theft, and for each violation shall be fined not less than \$100.00 nor more than \$500.00. (Ord. No. 97-5, Secs. 1-3.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs
- 6.08 Vicious Animals
- 6.12 Preventing Spread of Disease
- 6.16 Deer Hunt

CHAPTER 6.04

DOGS

Sections:

- 6.04.01 Definitions
- 6.04.02 Keeping of animals
- 6.04.03 Rabies vaccination
- 6.04.04 Licensing
- 6.04.05 Maintenance of premises; disturbing noise
- 6.04.06 Confinement
- 6.04.07 Impoundment; adoption
- 6.04.08 Reclaiming impounded animals
- 6.04.09 Enforcement; penalties
- 6.04.10 Equipment
- 6.04.11 Records
- 6.04.12 Fees; penalties
- 6.04.13 Citations

6.04.01 Definitions For the purpose of this ordinance, the following words and phrases shall have the following meaning:

Animal, domestic - Animals born or raised in captivity, including for purpose of this ordinance:

Category 1 – domestic dogs (excluding hybrids with wild species such as wolves, coyotes, jackals)

Category 2 – domestic cats (excluding hybrids with wild species such as ocelots, margays)

Category 3 – hooved animals such as horses, asses/donkeys, cattle, sheep, goats, swine

Category 4 – farm type birds, such as poultry, ducks, geese, guinea hens

Category 5 – any other animals not included in this definition, which are born or raised in captivity, and not normally found in the wild.

Animal, vicious - Any animal that commits a vicious act; attacking, biting, injuring, or otherwise jeopardizing the well-being of human beings or domestic animals without adequate provocation. However, the fact that an animal has bitten or attempted to bite someone or something that was provoking the animal shall not constitute a vicious animal.

Animal, wild - Any living animal normally found in the wild.

Animal Control authority - City officer(s) and/or employee(s) involved in animal control within the city, as required by this ordinance and any other state and/or federal regulations.

Animal Control Officer - City employee designated for this purpose by resolution of the City Council.

Animal establishment - Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

Animal shelter - Any premises designated by the city for the purpose of impounding and caring for animals under the authority of this ordinance.

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

Control - Any animal shall be considered under control if it is confined to the premises of its owner, is secured by a leash or lead of sufficient strength to prevent it from escaping, is confined in an automobile when away from the premises of the owner, or is a certified Police K9 in the performance of his duties.

Cruelty to animals- A person commits the offense of cruelty to animals as defined by Arkansas Criminal Statute 5-62-101.

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

Exposed to rabies - An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

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 feed habits of the animal's size, species and breed.

Kennel - Any lot or premises on which are kept domestic animals for commercial purposes.

Kennel, private - Any residential zoned lot or premises on which are kept more than three of any one type of domestic animal over three (3) months of age.

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

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

Neutered - An animal 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 noisemaking; molests or interferes with persons in the public right-of-way; chases vehicles.

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 premises occupied by that person, or premises over which that person has substantial control. Any person who intentionally provides food, water or shelter to any dog or cat.

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 are kept as pets.

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. (Ord. No. 2003-18, Sec. 1.)

6.04.02 Keeping of animals

- A. Domestic animals allowed to be kept within city limits in a non-commercial capacity shall be limited to those defined as domestic animals in 6.04.01, Categories 1, 2 and 5.
- B. Domestic animals allowed to be kept within city limits in a commercial capacity are defined by the City Planning and Zoning Ordinance. Any business involving animals and documented as active before the approval of this ordinance (i.e., has a current city of Bull Shoals Occupational License), is hereby grandfathered. Nothing herein shall be construed in conflict with Section 2 of Ord. No. 91-10, which remains in full force and effect.
- C. It shall be unlawful to keep, or permit to be kept, a domestic animal as defined in 6.04.01, Category 3 and 4 within the city limits.
- D. It shall be unlawful to keep, or permit to be kept, a wild or vicious animal within city limits.
- E. It shall be unlawful for any person to have a private kennel within city limits, which limits the number of each kind of animal kept to three (3) over three (3) months of age. Any animal owner keeping more than three (3) of each kind of animal over three (3) months of age, and documented as such within sixty days after the approval of this ordinance, is hereby granted grandfather status for those specific animals.
- F. Special or conditional keeping of any animal(s) within city limits may be allowed as long as it will not potentially be a nuisance, with approval by the City Council upon recommendation from the Planning Commission. Application will follow procedure outlined in the Planning and Zoning Ordinance for Conditional Uses. (Ord. No. 2003-18, Sec. 2.)

6.04.03 Rabies vaccination

- A. All dogs and cats over three (3) months of age within the city shall be vaccinated against rabies once each year by a licensed veterinarian, and wear the durable rabies tag issued at the time of vaccination. Rabies tags must be attached to the collar or harness of the dog or cat and be worn at all times. Rabies tags are not transferable from one dog or cat to another dog or cat.
- B. Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knowledge that an animal has been bitten by a rabid animal, shall promptly report such information, to the extent known, to the County Health Officer or the city Animal Control Authority.

- C. It shall be the duty of the owner, the Health Department, or the person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the institution of some competent veterinarian within this city or county, or in the animal shelter, where the animal shall be held for observation for such period of time, as directed by the County Health Department, to determine whether the animal is infected with rabies. (Ord. No. 2003-18, Sec. 3.)

6.04.04 Licensing

- A. No person shall own, keep or harbor any dog or cat within the city unless such dog or cat is licensed and vaccinated as herein provided.
- B. The licensing authority shall maintain a record of all licenses issued, certification of rabies vaccination, certification of neutering if applicable, and make such records available to the Animal Control Authority.
- C. 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 name, breed, color, age and sex of the dog or cat; and a copy of a current certificate of rabies vaccination issued by a licensed veterinarian or person authorized to give rabies vaccinations. Applicants shall pay license fees as set out in 6.04.12. Neutered dogs and cats will be charged a lesser fee than un-neutered dogs and cats.
- D. Application for a license must be made within thirty (30) days of obtaining a dog or cat over three (3) months of age, or within thirty (30) days of establishing residence in the city. This requirement will not apply to a non-resident keeping a dog or cat within the city for no longer than sixty (60) days. Failing to apply for a license within the allotted time, the owner may be cited for violating this ordinance and, upon conviction, shall be deemed guilty of a misdemeanor and shall be punishable by a fine as set out in 6.04.12.
- E. The licensing period shall be for one year from the date of the most current rabies vaccination. After a thirty (30) day grace period from this date, the cost of the license will double. After sixty (60) days from this date, the owner must pay the doubled license fee, plus may be cited for violating this ordinance, and upon conviction, shall be deemed guilty of a misdemeanor and shall be punishable by a fine as set out in 6.04.12 of this ordinance.
- F. The licensing authority may include licensed veterinarians holding an occupational license with the city. If the licensed veterinarian arranges the details of collection in agreement with the City Recorder/Treasurer, they are hereby

empowered to collect the license fee, issue a dog or cat license and a durable metal license tag at the time a dog or cat is vaccinated for rabies. The City Recorder/Treasurer or his/her representative shall collect dog or cat license receipts from such veterinarians on at least a quarterly basis.

- G. For registered dogs serving the blind or deaf, or government-owned dogs for use in law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.
- H. License tags must be attached to the collar or harness of the dog or cat and be worn at all times. License tags are not transferable from one dog or cat to another. (Ord. No. 2003-18, Sec. 4.)

6.04.05 Maintenance of premises; 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 animal(s) shall be restrained in such a fashion that noise emanating from there shall not be disturbing to such persons. (Ord. No. 2003-18, Sec. 5.)

6.04.06 Confinement

- A. It shall be the duty of any owner, or keeper, of any animal to keep such animal under such control so as to:
 - 1. Prevent such animal from becoming a danger to persons, animals or property.
 - 2. Prevent such animal from becoming a nuisance.
- B. An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure, or within a house or other building, or shall confine such dog by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large.
- C. In the prosecution of an owner or keeper of any animal for committing a vicious or threatening act, the City Court of Bull Shoals may, upon conviction entered, order that such animal be humanely destroyed.
- D. 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 in 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.

- E. It shall be unlawful for any owner to allow his/her dog or cat to enter any food store or place where food is exhibited for sale, except for registered dogs serving the blind or deaf or government owned dogs used in law enforcement. (Ord. No. 2003-18, Sec. 6.)

6.04.07 Impoundment; adoption

- A. Any animal at-large or otherwise in violation of this ordinance may be impounded in the city animal shelter in a humane manner for a period of not less than five (5) business days; and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with this ordinance, 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. 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.
- C. Prior to destruction of a dog at-large which carries its owner's address and which is impounded in the animal shelter, the Animal Control Authority shall give the owner (5) days' notice of the proposed destruction by certified letter, return receipt requested.
- D. Notwithstanding any provision of this ordinance 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. Notwithstanding any provision of this ordinance to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that 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.
- F. Notwithstanding any provision of this ordinance to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter when the Animal Control Authority reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering, or death.

- G. Impoundment aspect of this ordinance will be in force only when a properly functional animal shelter is in place, which will be based on the availability of funds. (Ord. No. 03-18, Sec. 7.)

6.04.08 Reclaiming impounded animals

- A. 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 ordinance, 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.
- B. Fees for reclaiming impounded animals are as set out in 6.04.12.
- C. The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.
- D. Adoption – The Animal Control Authority may convey ownership (permit adoption) of any animal which has become the property of the Animal Control Authority to a responsible person subject to such condition as may be prescribed by the Animal Control Authority, including, without limitation, the following:
 - 1. Payment of an adoption fee as set out in 6.04.12 and any vaccination, licensing or veterinary costs, and
 - 2. Evidence satisfactory to the Animal Control Authority that the animal has, or will be, examined by a veterinarian and vaccinations against rabies and other disease administered.
 - 3. Evidence satisfactory to the Animal Control Authority that the animal has, or will, be neutered. (Ord. No. 2003-18, Sec. 8.)

6.04.09 Enforcement; penalties

- A. Enforcement responsibility – The provisions of this ordinance shall be enforced by the Animal Control Authority of the city of Bull Shoals, Arkansas.
- B. 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.

- C. Citations – The Animal Control Authority and officers of the Bull Shoals Police Department are hereby authorized to issue a citation to any person for violation of any provision of this ordinance. The citation shall be in a form approved by the City Court of Bull Shoals, shall designate the offense charged and shall require the person so charged to appear before the City Court of Bull Shoals on a date certain to answer the charges therein contained.
- D. Penalties for violations are as set out in 6.04.12. (Ord. No. 2003-18, Sec. 9.)

6.04.10 Equipment The Animal Control Officer is authorized to employ any equipment it deems necessary to enforce the provisions of this ordinance, including, without limitation, humane wire box traps, and the Animal Control Authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large. (Ord. No. 2003-18, Sec. 10.)

6.04.11 Records It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody. (Ord. No. 2003-18, Sec. 11.)

6.04.12 Fees and penalties

A.	License fee, dog or cat, per year	
	Neutered	\$5.00
	Non-neutered	\$7.50
B.	Fees for reclaiming impounded animals	
	Licensed and vaccinated dog or cat:	
	First offense	\$15.00
	Second offense	\$25.00
	Third offense	\$50.00
	Subsequent offense	\$75.00
	Unlicensed or unvaccinated dog or cat:	
	First offense	\$25.00
	Second offense	\$50.00
	Third offense	\$150.00
	Subsequent offense	\$150.00
	Other animals, each offense	\$25.00
	Animals impounded for rabies quarantines or for use as evidence in a criminal prosecution, per day	\$10.00

In addition to the foregoing fees, the per day board for each day the animal is impounded in the shelter \$5.00

C. Adoption fee (after proof of mandatory licensing, neutering & rabies shot) Free

D. Penalties for violations:

1. Any person who commits the offense of cruelty to animals shall be deemed guilty of a Class A misdemeanor and shall be subject to fines and penalties as prescribed in A.C.A. 5-4-201 and 5-4-401.
2. It shall be unlawful for any person to knowingly release any animal within the corporate limits of the city of Bull Shoals. Violation of this section will be punishable by a fine of not less than One Hundred Dollars (\$100.00) plus court costs, nor more that Five Hundred Dollars (\$500.00) plus court costs per animal.
3. Any person violating any other provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Fifty Dollars (\$50.00) plus court costs, nor more than Five Hundred Dollars (\$500.00) plus court costs, and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. 2003-18, Sec. 12.)

6.04.13 Citations The Animal Control Officer will be designated as needed, and empowered to serve citations for any violation of any provision of this ordinance, by resolution of the City Council. (Ord. No. 2003-18, Sec. 13.)

CHAPTER 6.08

VICIOUS ANIMALS

Sections:

6.08.01 Vicious dogs or cats

6.08.01 Vicious dogs or cats The prohibition set out in Section 1 shall not apply to the keeping of dogs or cats as pets, except that a dog of any breed which exhibits vicious behavior shall be prohibited from being kept in the city of Bull Shoals. The prohibition also shall not

apply to a commercial animal establishment such as a pet shop, grooming shop, village park, or a commercial variety show featuring animal acts for public entertainment; neither shall this act apply to a licensed veterinarian who may bathe, clip, pluck, or otherwise groom and or treat animals for injury or illness. (Ord. No. 91-10, Sec. 2.)

CHAPTER 6.12

PREVENTING SPREAD OF DISEASE

Sections:

6.12.01	Lawful to destroy
6.12.02	Authorized persons
6.12.03	Manner of destruction
6.12.04	Owner
6.12.05	Immediate danger
6.12.06	Prosecution

6.12.01 Lawful to destroy When necessary to prevent the spread of disease, prevent the suffering of sick, injured, or wounded animals, or to promote and preserve the health and safety of the persons, property and/or other animals within the city limits of Bull Shoals, it shall be lawful for authorized persons to destroy a wild, feral or domesticated animal by the use of a firearm or other means, except domesticated animals under control on private property. (Ord. No. 2006-6, Sec. 1.)

6.12.02 Authorized persons Authorized persons are: Any state certified law enforcement officer employed by the Bull Shoals Police Department. (Ord. No. 2006-6, Sec. 2.)

6.12.03 Manner of destruction Any animal that is destroyed under the provisions of this ordinance shall be destroyed in a safe and appropriate manner, with due care that the animal is destroyed in a humane fashion and that the safety of the persons of Bull Shoals is held in the highest regard. The remains of the animal destroyed shall be removed and disposed of in a timely and appropriate manner. The Chief of Police shall be notified of the circumstance, location, disposition of remains, and any other facts relevant to the destruction of the animal, in a timely manner. A departmental weapon discharge report is to be filed with the Chief of Police within twenty-four hours of any incident involving the use of a departmentally issued firearm, with the exception of firearms training and range qualifications. (Ord. No. 2006-6, Sec. 3.)

6.12.04 Owner If the animal in question is a domesticated animal, and the owner is known, a reasonable effort shall be made, if circumstances allow, to contact the owner of the animal before the animal is destroyed. If the owner of the animal is not contacted before

destructive action is taken, the owner shall be contacted as soon as practical after the animal is destroyed. (Ord. No. 2006-6, Sec. 4.)

6.12.05 Immediate danger Nothing in this ordinance shall prohibit any person from destroying an animal, with a firearm or by other means, as a last resort, when he, another person, or domesticated animal is in immediate danger of serious bodily injury when the animal has invaded one's private property. (Ord. No. 2006-6, Sec. 5.)

6.12.06 Prosecution When acting under the provisions of this ordinance, no person shall be prosecuted for violations of any other conflicting ordinance. (Ord. No. 2006-6, Sec. 6.)

CHAPTER 6.16

DEER HUNT

Sections:

- | | |
|---------|------------------------|
| 6.16.01 | Regular deer hunt |
| 6.16.02 | Regulations |
| 6.16.03 | Disposal |
| 6.16.04 | Game and Fish policies |
| 6.16.05 | Penalty |

6.16.01 Regular deer hunt A regular deer hunt (Bow Only) season will be allowed in the City of Bull Shoals, Arkansas coinciding with the Arkansas Game and Fish Regular Season, and continuing every year thereafter. (Ord. No. 2016-02, Sec.1.)

6.16.02 Regulations Regulation of deer hunt (Bow only) season in the City Limits of Bull Shoals, Arkansas will be under the auspices of the Arkansas Game and Fish Commission including but not limited to such issues as bag limit season length and penalties for violations. (Ord. No. 2016-02, Sec.2.)

6.16.03 Disposal That it will be the responsibility of the permit holder to properly dispose of any deer that is killed by the permit holder This shall include but not limited to, the proper disposal of the carcass. (Ord. No. 2016-02, Sec.3.)

6.16.04 Game and Fish policies All participants of the City of Bull Shoals, Arkansas, Urban Hunt Program must comply with all policies procedures and rules set forth in the Arkansas Game and Fish Urban Deer Hunt application. (Ord. No. 2016-02, Sec.4.)

6.16.05 Penalty Any person who fails to comply with any of the terms and conditions of this Ordinance shall be deemed guilty of a Misdemeanor and subject to a fine of not more than \$200.00 (Two Hundred Dollars), together with restitution to the City of Bull Shoals, Arkansas for the expense incurred for the disposal of the deer. (Ord. No. 2016-02, Sec.4.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 Curfew
- 7.08 Prohibited Weapons
- 7.12 Posting Ordinances
- 7.16 Smoking in City Buildings
- 7.20 Sign Regulation
- 7.24 Garage Sales
- 7.28 Skateboarding and Bicycling
- 7.32 Burning Within City Limits
- 7.36 Theft/Damage of City Services
- 7.40 Public Property
- 7.44 Fireworks

CHAPTER 7.04

CURFEW

Sections:

- 7.04.01 Definitions
- 7.04.02 Curfew
- 7.04.03 Exceptions
- 7.04.04 Penalties

7.04.01 Definitions

City – the city of Bull Shoals, Arkansas.

Emancipated minor – a minor who no longer has a parent-child relationship as a result of marriage, or as a result of being declared as an adult by order of a court of competent jurisdiction.

Minor – any un-emancipated person under the age of eighteen (18) years of age.

Parent – any person having legal custody of a minor

- A. as a natural parent,
- B. as ad adoptive parent,
- C. as a legal guardian,
- D. as a person to whom legal custody has been given by order of the court.

Responsible adult a person at least 21 years of age to whom a parent has expressly given responsibility and permission to accompany a minor during restricted times.

Public place – a publicly or privately owned place to which the public or substantial numbers of people have access. A public place does not include the residence of a minor or the residence of a minor's parents or that of a responsible adult. (Ord. No. 2004-2, Sec. 1.)

7.04.02 Curfew

- A. It shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds, public places, parking lots, and/or vacant properties; or to ride in or upon, drive or otherwise operate or be a passenger of any automobile, bicycle or other vehicle in, upon, over or through the streets, or other public places between the hours of 10:00 p.m. and 6:00 a.m. (Ord. No. 2008-9, Sec. 1.)
- B. It shall be unlawful for any parent to permit a minor to violate the provisions of 7.04.02(A). The fact that a minor is in violation as set forth in 7.04.02(A), shall create a presumption that a parent is in violation of this subsection for permitting or not preventing the unlawful behavior. (Ord. No. 2004-2, Sec. 2.)

7.04.03 Exceptions Notwithstanding the provisions of 7.04.02, this ordinance does not apply at any time the minor is:

- A. Accompanied by a parent, or by a responsible adult designated by the parent(s).
- B. Employed, for the period of time 30 minutes prior to or after work, provided circumstances suggest the minor is in route to or returning from work to the place of residence.
- C. Returning from an activity that is supervised by adults and sponsored by any recognized civic, religious or school entity taking responsibility for the supervision of minors provided that the activity has not concluded for more than 30 minutes.
- D. On a trip in interstate commerce.
- E. Required to leave a residence because of a valid emergency.
- F. Engaged in an activity that is protected by the First Amendment to the Constitution of the United States of America or the freedom of speech, religion or expression provisions in Article II of the Arkansas Constitution. (Ord. No. 2004-2, Sec. 3.)

7.04.04 Penalties

- A. A minor not providing a Law Enforcement Officer good and just cause indicating an exemption to the curfew requirements may at the officer's discretion be cited into court and fined in an amount not less than Fifty-Five Dollars (\$55.00) nor more than Two Hundred Five Dollars (\$205.00). Issuance of a citation is not required to validate violation of this ordinance.

- B. Any parent, legal guardian or other adult having the legal care or custody of a minor who shall permit such minor to violate any provision of this ordinance shall be fined not less than Fifty-Five Dollars (\$55.00) nor more than One Hundred Five Dollars (\$105.00) for a first violation, not less than One Hundred Five Dollars (\$105.00) but not more than Two Hundred Five Dollars (\$205.00) for a second violation, and not less than Three Hundred Five Dollars (\$305.00) but not more than Five Hundred Five Dollars (\$505.00) for any subsequent violations. (Ord. No. 2004-2, Sec. 4.)

CHAPTER 7.08

PROHIBITED WEAPONS

Sections:

- 7.08.01 Unlawful to discharge
- 7.08.02 Harm to persons or property
- 7.08.03 Fine

7.08.01 Unlawful to discharge It shall be unlawful for any person to discharge a firearm or bow and arrow with intent to kill any game animal or bird within the city limits of Bull Shoals, Arkansas or government strip property contained within the city limits of Bull Shoals, Arkansas, unless it is in conjunction with regulations promulgated by the Arkansas Game and Fish Commission specifically for the above outlined area, in their constitutional authority to regulate the game and fish population anywhere in the state of Arkansas. (Ord. No. 2001-4, Sec. 1.)

7.08.02 Harm to persons or property It shall also be unlawful to recklessly or maliciously discharge a firearm or bow and arrow so as to cause possible harm or danger to persons or property. (Ord. No. 2001-4, Sec. 2.)

7.08.03 Fine Any person, firm, or corporation violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 2001-4, Sec. 3.)

CHAPTER 7.12

POSTING ORDINANCES

Sections:

7.12.01 Designated public places

7.12.01 Designated public places The City Council of the city of Bull Shoals, Arkansas hereby designates the following as the most public places for the posting of all by-laws or ordinances of a general or permanent nature:

1. City Hall
2. The Meeting Place
3. Arvest Bank
4. First Security Bank
5. Chamber of Commerce Notice Board
(Ord. No. 93-13, Sec. 1.)

CHAPTER 7.16

SMOKING IN CITY BUILDINGS

Sections:

7.16.01 Tobacco products prohibited

7.16.02 Notice posted

7.16.03 Fine

7.16.01 Tobacco products prohibited In order to protect its citizens' health and safety, the city of Bull Shoals has determined that it is in the best interest of its citizens to prohibit the use of any tobacco products within any city owned or leased buildings during public meetings. (Ord. No. 93-6, Sec. 1.)

7.16.02 Notice posted The Building Inspector of the city of Bull Shoals shall post notice of the ban in all city owned or leased buildings. (Ord. No. 93-6, Sec. 2.)

7.16.03 Fine The city of Bull Shoals has determined that any person violating said ordinance shall be subject to a fine of not less than Five Dollars (\$5.00) or more than One Hundred Dollars (\$100.00). (Ord. No. 93-6, Sec. 3.)

CHAPTER 7.24

GARAGE SALES

Sections:

7.24.01	Definition of a garage sale
7.24.02	Permit required
7.24.03	Permit term
7.24.04	Application
7.24.05	Fee
7.24.06	Permit display
7.24.07	Sale signs
7.24.08	Rescheduling
7.24.09	Penalty

7.24.01 Definition of a garage sale Any sale held by an individual or group of individuals not licensed by the city of Bull Shoals to hold such sales. Whether the sale is called a garage sale, porch sale, yard sale or similar sale, it shall be deemed a garage sale for the purposes of this ordinance.

A consistent pattern of buying articles for retail sales to the public shall be construed as a business venture rather than a garage sale. Such sales will be subject to the appropriate zoning regulations and business license if planned to take place in the city of Bull Shoals. (Ord. No. 2001-1, Sec. 1.)

7.24.02 Permit required A person must obtain a garage sale permit before conducting a garage sale unless the property on which the sale takes place has been zoned for such purpose and a business license has been obtained. (Ord. No. 2001-1, Sec. 2.)

7.24.03 Permit term A garage sale permit shall be valid for not more than three (3) days and shall not be granted for the same location more than two (2) times during any calendar year. (Ord. No. 2001-1, Sec. 3.)

7.24.04 Application Application for a garage sale permit shall be made to the City Clerk and a permit will be issued subject to the conditions outlined in this ordinance. (Ord. No. 2001-1, Sec. 4.)

7.24.05 Fee A garage sale permit fee shall be established by resolution. A garage sale conducted for an authorized charitable purpose shall be exempt from the fee. (Ord. No. 2001-1, Sec. 5.)

7.24.06 Permit display Garage sale permit shall be posted where it is visible from the street. (Ord. No. 2001-1, Sec. 6.)

7.24.07 Sale signs Garage sale signs shall conform to the city of Bull Shoals Sign Ord. 00-05. (Ord. No. 2001-1, Sec. 7.)

7.24.08 Rescheduling If the sale is canceled due to rain, the sale may be rescheduled at no additional cost, provided the City Clerk is notified within five (5) working days of rain-out. (Ord. No. 2001-1, Sec. 8.)

7.24.09 Penalty Penalty for violation of any provision of this ordinance shall be a fine of not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00). (Ord. No. 2001-1, Sec. 9.)

CHAPTER 7.28

SKATEBOARDING AND BICYCLING

Sections:

- 7.28.01 Unlawful
- 7.28.02 Penalty

7.28.01 Unlawful It shall be unlawful for any person to skateboard or bicycle on private property except with the expressed written permission by the owner and filed with the Bull Shoals Police Department. (Ord. No. 2005-10, Sec. 1.)

7.28.02 Penalty Any person who violates any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined Twenty-Five Dollars (\$25.00), plus court costs for the first offense, and Fifty Dollars (\$50.00), plus court costs for the second offense within three years from the date of the first offense, and for the third offense, within three years from the date of the first offense, shall be fined Seventy-Five Dollars (\$75.00), plus court costs. (Ord. No. 2005-10, Sec. 2.)

CHAPTER 7.32

BURNING WITHIN CITY LIMITS

Sections:

- 7.32.01 Burning without a permit
- 7.32.02 Application

7.32.03	Inspection
7.32.04	Fee for permit
7.32.05	Burning of garbage
7.32.06	Outdoor cooking
7.32.07	Emergency
7.32.08	Fine

7.32.01 Burning without a permit The burning of leaves or yard debris in small quantities is permitted without a burn permit. (Ord. No. 2006-5, Sec. 1.)

Applies to fires with or without permits:

- A. All fires must be attended.
- B. Fire extinguishing apparatus must be available for immediate use.
- C. Burning is prohibited during burn ban.
- D. Fires must be extinguished when burn ban goes into effect.
(Ord. No. 2006-7, Sec. 1.)

7.32.02 Application For all other types of burns, a burn permit application must be obtained at the City Hall. (Ord. No. 2006-5, Sec. 2.)

7.32.03 Inspection The Fire Chief will inspect the site and has the authority to issue or deny a burn permit based on his/her assessment of safety conditions surrounding the site. (Ord. No. 2006-5, Sec. 3.)

The burn permit is valid for five days from date of inspection by the Fire Department. (Ord. No. 2006-7, Sec. 3.)

7.32.04 Fee for permit The fee for a burn permit is set at Twenty-Five Dollars (\$25.00) (Ord. No. 2006-5, Sec. 4.)

If a burn ban is initiated after a burn permit is issued, the permit will be extended without additional fee. (Ord. No. 2006-7, Sec. 4.)

7.32.05 Burning of garbage Burning of garbage (household waste), tires, shingles, plastic, vinyl or any other noxious and/or hazardous materials and/or chemicals are prohibited. (Ord. No. 2006-5, Sec. 5.)

7.32.06 Outdoor cooking Nothing in this ordinance should be interpreted as restricting outdoor cooking on approved devices or controlled areas for campfires. (Ord. No. 2006-5, Sec. 6.)

7.32.07 Emergency In the event of a natural disaster or for reasons of health and safety the Fire Official of the city of Bull Shoals may declare an emergency and this ordinance may be waived in part or its entirety until the emergency ceases. (Ord. No. 2006-5, Sec. 7.)

7.32.08 Fine Any person violating any provision of this ordinance shall be deemed guilty of an ordinance violation and upon conviction shall be fined no less than One Hundred Dollars (\$100.00) nor more than Three Hundred Fifty Dollars (\$350.00). (Ord. No. 2006-5, Sec. 8.)

CHAPTER 7.36

THEFT/DAMAGE OF CITY SERVICES

Sections:

7.36.01	Scope
7.36.02	Theft of City Services
7.36.03	Penalty

7.36.01 Scope For the purpose of this Ordinance, city services shall include, but not limited to water, sewer, sanitation, brush removal and/or any service(s) the city may provide now or in the future. (Ord. No. 2013-3, Sec. 1.)

7.36.02 Theft of City Services A person(s) commits theft of city services and/or damage if, with purpose to defraud or damage:

- A. The person(s) purposely obtains a service that he or she knows to be provided by the City of Bull Shoals, Arkansas for compensation, by deception, threat or other means to avoid payment for the service; or
- B. Having control over the disposition of a service to which he or she is not entitled, the person purposely diverts the service to his or her own benefit of another person not entitled to the service; or
- C. Enters onto the property of another without permission and makes themselves and/or another person the benefits of a city service(s); or
- D. Any person(s) who tampers, defaces, destroys, mutilates any service meter, antenna, line, pipe, water and/or sewer line owned by and under the control of the city. (Ord. No. 2013-3, Sec. 2.)

7.36.03 Penalty Any person convicted for a violation of this Ordinance shall be deemed guilty of a misdemeanor. ASA 14-55-504 limits municipal fines at this time to One Thousand Dollars (\$1,000.00) for the first offense or Two Thousand Dollars (\$2,000.00) for a repeat violation, but a fine not to exceed Five Hundred Dollars (\$500.00) per day for each day the violation continues. In addition any person convicted for a violation of the provision of this Ordinance may be imprisoned in accordance with Section ASA 14-55-602. The power of enforcement is dedicated in ASA 14-55-601 through 14-55-608. The remedies include prosecution or a civil action to recover fines. (Ord. No. 2013-3, Secs. 3-4.)

CHAPTER 7.40

PUBLIC PROPERTY

Sections:

7.40.01	Damage to Property
7.40.02	Debris upon Property
7.40.03	Penalty
7.40.04	Enforcement

7.40.01 Damage to Property No person(s), firm, association, company or corporation intentional or unintentionally shall cut, injure, mark, deface, destroy and/or damage any public property which includes, but is not limited to, buildings, their components, sewer, water pipes, hydrants, sign, sign post or other City property, or any tree, grass, shrub or walk in any public way or public park. (Ord. No. 2008-14, Sec. 1.)

7.40.02 Debris upon Property No person(s), firm, association, company or corporation intentional or unintentionally shall cause and/or leave any debris on any public walk, street, alley and/or any other public property. For the purpose of this ordinance debris includes, but is not limited to dirt/mud from construction sites, snow pushed and/or shoveled into public way, cement mixer. (Ord. No. 2008-14, Sec. 2.)

7.40.03 Penalty Upon conviction any person(s) firm, association, company or corporation who violates the provision of this Ordinance shall be deemed guilty of a misdemeanor. Under the provisions of Arkansas Statue 15-55-504, upon conviction, shall be fined in any sum of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for each violation, plus the cost to replace, repair and/or clean up, which will include parts, material, equipment usage, gas, labor cost and miscellaneous expenses. If the violation is continuous in nature in respect to time, the fine shall not be less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each day that it may be unlawfully continued, plus the cost to replace, repair and/or clean up, which will include parts, material, equipment usage, gas, labor cost and miscellaneous expenses. (Ord. No. 2008-14, Sec. 3.)

7.40.04 Enforcement Enforcement of this Ordinance shall rest with the Bull Shoals Police Department. (Ord. No. 2008-14, Sec. 4.)

CHAPTER 7.44

FIREWORKS

Sections:

7.44.01	Sales, Discharge and Use Limitations
7.44.02	Location Limitation
7.44.03	Use Endangering Persons, Animals Or Property
7.44.04	Penalty

7.44.01 Sales, Discharge and Use Limitations

- A. A Temporary Use permit is required by any person(s), firms(s), corporation(s) and/or other organization(s) to sell and distribute fireworks and other pyrotechnic devices within the City Limits of Bull Shoals. Applicants shall comply with all applicable federal, state, county and local statutes, regulations and permits. Said application for a Temporary Use permit shall be reviewed and approved by the Bull Shoals Fire Chief.
- B. Sale of fireworks and other pyrotechnic devices is limited to persons sixteen (16) years and older, and otherwise comply with all federal, state, county and local statutes, regulations and permits.
- C. Use or discharge of fireworks and other pyrotechnic devices by person(s), firm(s), corporation(s) and/or other organization(s), excluding public display/exhibit sponsored events by certified pyrotechnics technician(s), is limited to the following dates and hours.
 - 1. New Year's Day (January 1)
December 28-31 and January 2-4: 8 a.m.-10 p.m.
January 1: 12:01 a.m. – 1 a.m.; 8 a.m. - 10 p.m.
 - 2. Independence Day (July 4)
June 30- July 3 and July 5-7: 8 a.m. - 10 p.m.
July 4: 8 a.m. - midnight.

7.44.02 Location Limitation

- A. The discharging of fireworks and other pyrotechnic devices by person(s), firm(s), corporation(s) and/or other organization(s) shall be on property owned by said person(s), firm(s), corporation(s) and/or other organization(s), excluding public display/exhibit sponsored events by certified pyrotechnics technician(s), unless written permission has been received from other property owner(s) to use said property for that purpose.

Additionally, person(s), firm(s), corporation(s) and/or other organization(s) shall be responsible for any parts or damage caused by any parts of fireworks and other pyrotechnic devices falling on persons and/of their property other than their own property. If said person(s) under the age of eighteen (18) years is found responsible for above stated damages, the parents or guardians shall be held responsible.

- B. No fireworks or Other pyrotechnic devices may be used or discharged on any public property, including streets and byways, of the City of Bull Shoals, unless permission is granted by authorized City officials for said purposes. (Ord. No. 2008-8, Sec. 2.)

7.44.03 Use Endangering Persons, Animals Or Property Use of fireworks and other pyrotechnic devices such as, but not limited to, targeting or irresponsible use of fireworks and other pyrotechnic devices endangering the health, safety and welfare of persons, animals, vehicles, and properties, is prohibited. Each occurrence is a violation of this ordinance. (Ord. No. 2008-8, Sec. 3.)

7.44.04 Penalty Person(s), firm(s), corporation(s) and/or other organization(s), excluding public display/exhibit sponsored events by certified pyrotechnics technician(s), found guilty of violation of this ordinance shall be guilty of a misdemeanor shall upon conviction be fined not less than Seventy-five dollars (\$75) and not more than Two Hundred dollars \$200) for each and every violation. (Ord. No. 2008-8, Sec. 4.)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Truck Routes
- 8.08 Hazardous Driving

CHAPTER 8.04

TRUCK ROUTES

Sections:

- 8.04.01 Truck routes - designated
- 8.04.02 Written permit
- 8.04.03 Exclusions
- 8.04.04 Penalty

8.04.01 Truck routes - designated

- A. Truck route for all motor vehicles proceeding through the city and having a total weight of 20,000 pounds or more is hereby established and designated as Bull Shoals Dam Blvd, Central Blvd and Highway 178. All such vehicles are prohibited from using any other street, alley or road while proceeding through the city.
- B. Public Works Truck Route. All motor vehicles having a total weight of 20,000 pounds or more, proceeding to Bull Shoals Public Works will only travel Bull Shoals Dam Blvd. to Marilyn Ave. to Redbud Ave., proceeding from Bull Shoals Public Works will only travel Redbud Ave. to Marilyn Ave. to Bull Shoals Dam Blvd. (Ord. No. 2001-2, Sec. 1.)

8.04.02 Written permit No vehicle having a total weight of 20,000 pounds or more may use streets within areas zoned R-1, R-2, R-3 or R-4 without first obtaining a written permit from the City Public Works Director. (Ord. No. 2001-2, Sec. 2.)

8.04.03 Exclusions School, church, tour and local public transportation vehicles; city vehicles; vehicles of utilities franchised with or contracted to the city; and vehicles making pickups or deliveries within commercially zoned areas are excluded from the provisions of this ordinance. When it is necessary for excluded vehicles to travel on non-truck route streets it will not be considered a violation of this ordinance as long as the excluded vehicle traverses a designated truck route to the closest point of its destination. (Ord. No. 2001-2, Sec. 3.)

8.04.04 Penalty Any person or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be liable for a fine of One Hundred Dollars (\$100.00) to Two Hundred Dollars (\$200.00) for each violation. Any damage done to streets as a result of violation of this ordinance shall be paid for by the person or corporation found in violation of this ordinance, in addition to the fine herein specified. (Ord. No. 2001-2, Sec. 4.)

CHAPTER 8.08

HAZARDOUS DRIVING

Sections:

8.08.01	Hazardous Driving
8.08.02	Definition of Motor Vehicle
8.08.03	Due Care
8.08.04	Penalty

8.08.01 Hazardous Driving That it shall be unlawful for any person to start, accelerate, drive or operate any motor vehicle, upon any public way or upon any private drive or parking lot in such a manner as to make an excessively loud noise by means of motor exhaust or squealing tires without any necessity therefore, and it shall also be unlawful for any person to operate a motor vehicle in a hazardous manner, which shall include operating a motor vehicle in a circular pattern without any necessity therefore, often referred to as "cutting donuts"; spinning or squeaking tires with no necessity therefore, excessive speed to include 13 MPH or more over posted speed limit or otherwise operating a motor vehicle without due care for the safety of such operator or other persons or property. (Ord. No. 2008-11, Sec. 1.)

8.08.02 Definition of Motor Vehicle For the purposes of this ordinance, motor vehicle shall include any motor driven vehicle of any nature, including, but not limited to, a car, truck, tractor, motorcycle, moped, three-wheeler or fourwheeler. (Ord. No. 2008-11, Sec. 2.)

8.08.03 Due Care Due means the care a reasonably careful person would use under the same or similar circumstances. (Ord. No. 2008-11, Sec. 3.)

8.08.04 Fine Any person found guilty of violation of this ordinance shall be fined in an amount not less than \$165.00 and no more than \$250.00. (Ord. No. 2008-11, Sec. 4.)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Master Street Planning
- 9.08 System for Numbering Streets
- 9.12 Keeping Streets and Ditches Clear
- 9.16 Department of Public Works
- 9.20 Shielded Lighting

CHAPTER 9.04

MASTER STREET PLANNING

Sections:

- 9.04.01 Master Street Planning Ordinance
- 9.04.02 Amendment
- 9.04.03 Acceptance of certain Class I streets
- 9.04.04 Procedure
- 9.04.05 Changing names of streets

9.04.01 Master Street Planning Ordinance This ordinance is published by reference only pursuant to Act 267 of 1949. Three copies of the body of the ordinance are available at City Hall in the office of the City Recorder for public review and inspection. (Ord. No. 88-3, Sec. 1.)

9.04.02 Amendment Ordinance No. 88-3, Article 7.05.00; Minimum Standards For Street Construction and Reconstruction of Existing Streets, Section (D) also be changed to read as follows:

- A. That the second sentence in the paragraph shall read:
After mixing, the aggregate shall be transported to the job site while it contains proper moisture content and shall be placed on the road bed with a mechanical spreader or grader.
- B. That the third sentence in the paragraph shall read:
The spreader or grader shall spread the aggregate in the required amount to avoid or minimize the need for rehandling the material.

- C. That the fifth sentence in the paragraph shall read:
If used, the spreader box shall be equipped with strike-off templates or screens that can be adjusted for two percent (2%) crown. (Ord. No. 98-7, Sec. 1.)

9.04.03 Acceptance of certain Class I streets That Ordinance 88-3 is hereby amended to the extent that anything in the subsequent sections of this ordinance are in addition to or in conflict with. (Ord. No. 90-3, Sec. 1.)

9.04.04 Procedure That after Article 9.00.00 in Ordinance 88-3, the following section will be added:

Class I streets that were constructed prior to passage of this ordinance and which are not platted on the present City Base Map, may be dedicated to and may be accepted by the city using the following procedures.

Dedication

- A. A dedication petition is to be presented to the City Planning Commission.
- B. The Class I street must be dedicated to the city in a notarized form by all landowners adjacent to said street.
- C. Said dedication must include a complete and accurate legal description of the right-of-way easements being dedicated. The legal description may be obtained by descriptions shown on each individual's landowner's deed, or by survey. If there is a question as to the accuracy of the legal description, the Planning Commission may require a survey be done by the adjacent property owner, at the owner's expense.

Minimum Design Standards

Before a Class I street can be considered for acceptance by the city, the following minimum design standards shall be met.

A road right-of-way of at least 40 feet.

A minimum of two traffic lanes.

A minimum lane width of 10 feet.

A base-type surface.

A maximum gradient of 12%.

A road width of 20 feet.

A properly installed drainage system for a Class I street.

The City Street Superintendent may recommend waiving any of the minimum design standards if he believes that doing so will not pose any future problems or difficulties with the street.

Recommendation by Planning Commission

- A. The Planning Commission will determine if dedication has proper legal description.
- C. The Planning Commission will request that the City Street Superintendent determine if the dedicated Class I street meets the minimum design standards.
- D. If it is determined that the dedication and design standards have been met, the Planning Commission will give the street a name and will send the dedication petition to the City Council for approval or disapproval.
- E. If the dedication or design standards have not been met, the Planning Commission will notify the petitioners, and inform them of the necessary corrections needed.

Acceptance by the city

- A. After the Planning Commission sends the dedication petition to City Council, the council may either approve or disapprove the petition.
- B. If the petition is approved, and the dedication is accepted by ordinance by the City Council, the Class I street shall be added to the official catalogue of city streets.
- C. The acceptance of the Class I street in no way charges the city of Bull Shoals with any requirements regarding the maintenance, construction, reconstruction, or improvement of said street. (Ord. No. 90-3, Sec. 2.)

9.04.05 Changing names of streets It is necessary to include the updated list of street names to Ord. No. 98-16 for E 911 purposes. It is ordained by the City Council of Bull Shoals that Ord. No. 99-3 contain a list of changed street names and is accepted by reference as if it is stated here word for word. (Ord. No. 99-3, Sec. 1.)

CHAPTER 9.08

SYSTEM FOR NUMBERING STREETS

Sections:

- 9.08.01 Uniform system
- 9.08.02 Map
- 9.08.03 Equal interval system
- 9.08.04 Central point
- 9.08.05 Starting point

- 9.08.06 Changes
- 9.08.07 Application
- 9.08.08 Assignment

9.08.01 Uniform system There is hereby established a uniform system for numbering all streets, public ways, houses/residences and buildings both public and private within the city limits of the city of Bull Shoals, Arkansas. (Ord. No. 94-17, Sec. 1.)

9.08.02 Map A map of the city of Bull Shoals showing all streets and cross streets prepared the city of Bull Shoals, dated October, 1984, is hereby adopted as the official E-9-1-1 map for numbering all streets and structures within the city limits of Bull Shoals. (Ord. No. 94-17, Sec. 2.)

9.08.03 Equal interval system All inhabitable structures within the city will be addressed on an equal interval system using 100 addresses between cross streets as our standard. (Ord. No. 94-17, Sec. 3.)

9.08.04 Central point All streets and public ways shall be numbered from a centrally located point, outward in all four directions. (Ord. No. 94-17, Sec. 4.)

9.08.05 Starting point The numbering system for all streets, residential and business sites within the city shall start at the intersection of Lake Street (east & west) and Redbud (north & south) providing the point of origin from which all streets in the city shall be numbered progressively. (Ord. No. 94-17, Sec. 5.)

9.08.06 Changes The Marion County E-9-1-1 office established by the county and the city shall be authorized to make such changes, alterations and additions to the numbering system created by adoption of said map as deemed appropriate to implement the current numbering system and also to include proper sequence numbers for such additional structures hereafter constructed, moved or located with the city. (Ord. No. 94-17, Sec. 6.)

9.08.07 Application The owner, builder and/or developer of any housing structures or business properties within the city after the original numbering system has been established and numbering provided for such existing units, shall apply to the Marion County E-9-1-1 office or the City Hall for numbers to be assigned to all newly established streets and public ways and to such structures as constructed, no less than thirty (30) days prior to the occupancy thereof. All streets and/or public ways in any subdivision shall be numbered and/or named on the submission of plats thereof to the city of Bull Shoals prior to final plat approval by the city of Bull Shoals Planning Board and recording of said plat with the designations thereon to ensure consistency with the existing naming and numbering regiment established by this ordinance and to thereby avoid duplication of Street and Public Way designations. (Ord. No. 94-17, Sec. 7.)

9.08.08 Assignment

- A. No person, firm, corporation, partnership or other entity shall authorize any public utility company as defined by Arkansas law to supply any service to any new residence or business in the city of Bull Shoals until an official E-9-1-1 address for such residence or business has been assigned or otherwise approved by the city of Bull Shoals.
- B. Address numbers shall be at least three (3) inches in minimum height and shall be installed at the expense of the owner, maintained at the expense of the owner, and shall likewise conform to the standards established by the city. Such address numbers shall be posted in such a manner as to be clearly visible from the named and/or numbered street of access.
- C. Any person or other entity failing to comply with the provisions of this ordinance shall upon conviction thereof, be fined not less than Twenty-Five Dollars (\$25.00) plus prosecution costs for each offense. Each day said offense continues shall be deemed as a separate offense. (Ord. No. 94-17, Sec. 8.)

CHAPTER 9.12

KEEPING STREETS AND DITCHES CLEAR

Sections:

9.12.01	Substances on streets
9.12.02	Oiling by Street Department
9.12.03	Watering the streets
9.12.04	Fine
9.12.05	Construction of driveways
9.12.06	Fine
9.12.07	Clean ditches
9.12.08	Fine

9.12.01 Substances on streets It shall be unlawful for any person, firm or corporation to dump or throw any fuel oil, other oils or other substances on the streets of the city of Bull Shoals, Arkansas. (Ord. No. 158, Sec. 1.)

9.12.02 Oiling by Street Department That, however, certain streets may be oiled only with permission of the City Street Department and that permission shall be granted only when the substance used to oil the street has been approved by said City Street Department. (Ord. No. 158, Sec. 2.)

9.12.03 Watering the streets That nothing in this ordinance shall be construed to restrict the right of any person, firm or corporation to water down a street for the reduction of dust providing the said watering does not render the street dangerous or unusually muddy. (Ord. No. 158, Sec. 3.)

9.12.04 Fine Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 158, Sec. 4.)

9.12.05 Construction of driveways Every person, firm or corporation constructing a driveway over any public ditch within the city of Bull Shoals, Arkansas, shall provide some adequate means for the continued flow of water through said ditch; such opening shall be made by culvert or other materials to be approved by the Street Superintendent of the city of Bull Shoals, Arkansas. (Ord. No. 88-3, amended by 90-3.)

9.12.06 Fine Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than Twenty-Five Dollars (\$25.00) nor more than one Hundred Dollars (\$100.00), and each day that said condition shall exist shall be considered a separate offense. (Ord. No. 88-3 amended by 90-3.)

9.12.07 Clean ditches No debris or material whatsoever shall be placed, raked or filled in city ditches which would prohibit the natural flow of water, rain or runoff therein. This shall include but not be limited to stones, dirt, concrete, grass clippings or leaves. Leaves raked into ditches and burned immediately thereafter shall not constitute a violation of this ordinance unless said burning interferes with the purpose of this ordinance. (Ord. No. 95-16, Sec. 2.)

9.12.08 Fine The penalty for violation of this ordinance shall be set at the cost of cleaning up any city ditches locked or congested by the violator including labor and equipment, and including any and all costs included in enforcing this ordinance. Also, any person who may violate the provisions of this ordinance shall, upon conviction thereof, be determined guilty of ordinance violation and shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 95-16, Sec. 3.)

CHAPTER 9.16

DEPARTMENT OF PUBLIC WORKS

Sections:

9.16.01	Established
9.16.02	Supervision
9.16.03	Control

- 9.16.04 Monthly reports
- 9.16.05 Conditions of employment
- 9.16.06 Supervision of the Mayor

9.16.01 Established There is hereby established a Department of Public Works for the city of Bull Shoals to administer the affairs of the city for operation of the water system, the sewer system and the maintenance and construction of the streets. (Ord. No. 93-3, Sec. 1.)

9.16.02 Supervision The Department of Public Works shall have control and supervision over the surveying, laying out, construction, grading, surfacing, excavating, raising or lowering, and any other work pertaining to the streets and alleys of the city. (Ord. No. 93-3, Sec. 2.)

9.16.03 Control The Department of Public Works shall have full and complete control over all properties of every kind and character belonging to the city of Bull Shoals and used in connection with the water and sewer systems, either directly or indirectly, whether situated within or outside the city limits of Bull Shoals; to this end, the city shall have full and complete authority to manage, operate, improve, extend and maintain the municipal water and/or sewer systems. The city shall have full and complete authority to establish charges for all water and/or sewer services including but not limited to ancillary services such as extension of mains, installation of meters and service or any other reasonable and related service for which the city should be paid. (Ord. No. 93-3, Sec. 3.)

9.16.04 Monthly reports The City Treasurer or someone to be designated by the City Council shall submit monthly reports and annual audits of the operation of the Department of Public Works to the Mayor and City Council, and in addition shall furnish such other or further reports, data and information as may be requested by the Mayor and the City Council. (Ord. No. 93-3, Sec. 4.)

9.16.05 Conditions of employment Any and all persons working for or under the direction of the Department of Public Works shall be subject to conditions of employment and the other provisions as set out in the Personnel Policies and Procedures Manual of the city of Bull Shoals. (Ord. No. 93-3, Sec. 5.)

9.16.06 Supervision of the Mayor The Department of Public Works shall be under the direct supervision of the Mayor with the advice, counsel and approval of the City Council. (Ord. No. 93-3, Sec. 6.)

CHAPTER 9.20

SHIELDED LIGHTING

Sections:

- 9.20.01 Maintenance costs
- 9.20.02 Shielded lighting prohibitive
- 9.20.03 Exemption

9.20.01 Maintenance costs The City Council finds that the cost of maintenance would increase 99% to have shielded lighting over non-shielded lighting. (Ord. No. 2006-9, Sec. 1.)

9.20.02 Shielded lighting prohibitive The City Council hereby determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive. (Ord. No. 2006-9, Sec. 2.)

9.20.03 Exemption The city of Bull Shoals hereby expressly intends to avail itself of the exemption from the requirements of the Act pertaining to the purchase of shielded outdoor lighting fixtures. (Ord. No. 2006-9, Sec. 3.)

TITLE 10

UTILITIES

Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Contract with Marion County Water District
- 10.16 Fire Hydrants
- 10.22 Cross-Connection
- 10.24 Wellhead Protection Program

CHAPTER 10.04

SEWER REGULATIONS

Sections:

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

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

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20?) degrees C, expressed in milligrams per liter.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Combined Sewer shall mean a sewer receiving both surface run off and sewage.

Garbage shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

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

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

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

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

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

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

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

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

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

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; “may” is permissive.

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

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

Superintendent shall mean the Superintendent of Sewage Works of the city of Bull Shoals or his authorized agent, deputy, or representative.

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

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 104, Art 1.)

10.04.02 Use of public sewers required That, in accordance with Arkansas Code of 1987 Annotated, Title 14, Chapter 235, Subchapter 3, any owner of real property within the City shall, upon being ordered so to do by the City Council or any agency designated by the City Council for such purpose as a board of health of the City, construct upon the property of such owner an appropriate line or lines, in accordance with plans approved by the City, connecting such property or building on such property to the sewer facilities of the System, provided that:

- A. the distance from such property to the connection with the System does not exceed 300 feet, and
- B. the City Council or the designated agency shall have determined, in its discretion, that the public health will be promoted by the construction of such line or lines.

That the operation of the System shall be on a fully metered basis, with a meter installed at each water connection (except fire hydrants) when practical. There shall be only one user on a single connection. There shall be no dual connections: that is, there shall be no more than one user on a single meter, Each apartment in an apartment house shall be considered a separate user.

That all customers shall be liable for charges for sewer services upon the earlier of: (1) use of such services or (2) the lapse of sixty days following notice of the availability of service. (Ord. No. 2010-1, Secs. 3-4).

10.04.03 Private sewage disposal system

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private sewage disposal system the owner shall apply for and obtain a written permit for construction from the Health authority in accordance with the Arkansas State Health Department Bulletin No. 9 (latest revision). The owner shall present such permit to the Superintendent and such shall be recorded by the Superintendent prior to construction. The owner shall obtain the necessary inspections of the septic tank system from the Health Authority. This permit shall also be recorded with the Superintendent. A permit fee of Five Dollars (\$5.00) shall be paid to the city at the time that the permit is recorded.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Arkansas. No septic tank systems will be allowed with lot sizes less than the following:
 - 1. If an individual water well supply and septic tank system are proposed, the lot size must be at least 1 ½ acre. The width of the lot must be at least 200 feet.
 - 2. If a public water supply is available and an individual septic tank absorption system is to be used for sewage disposal, the lot size must be at least ½ acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 10.04.02, Section D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within four months (120 days) of the published date of the availability of said section of sewer and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 104, Art 3, as amended by Ord. No. 105, Sec. 1.)

10.04.04 Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.
- F. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and

Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barriers and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. No. 104, Art 4.)

10.04.05 Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

- C. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gas;
 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer;
 3. Any water or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- A. Any waters or waste containing heavy metals or toxic materials to the following limits:

<u>Element</u>	<u>Limit (mg/l)</u>
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02
Chromium (total)	0.5
Copper	0.2
Lead	0.0
Manganese	1.0
Mercury	0.005
Nickel	0.8
Selenium	0.02
Silver	0.1
Zinc	0.5

Other limits of other materials may be established by the Superintendent. The substances prohibited for discharge to the sanitary sewer system include, but are not limited to:

Antimony	Uranyl
Beryllium	Renium
Bismuth	Strontium
Cobalt	Tellurium

Molybdenum Herbicides
Tin Fungicides
Pesticides

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

1. Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees F. (sixty-five (65°) degrees C);
2. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l; or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) degrees F (0 to sixty-five (65°) degrees C);
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;
6. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other agencies of jurisdiction for such discharge to the receiving waters;

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
 8. Any waters or wastes having a pH in excess of 9.0.
 9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye, wastes and vegetable tanning solutions).
 - c. Unusual BOD (biochemical oxygen demand) or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
 10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in Section 10.04.05 part 4 hereinabove and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
1. reject the wastes;
 2. require pretreatment to an acceptable condition for discharge to the public sewers;
 3. require control over the quantities and rates of discharge; and/or

4. require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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

- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes, shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.
(Ord. No. 104, Art. 5.)

10.04.06 Protection from damage No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 104, Art. 6.)

10.04.07 Power and authority of Superintendent.

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 104, Art. 7.)

10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter except Section 10.04.07 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in part A. of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reasons of such violation. (Ord. No. 104, Art. 8.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

10.08.01	Individual units
10.08.02	Fee for "Clean Water Act"
10.08.03	Water and sewer base rate
10.08.04	Residential and individual business
10.08.05	Master meters serving multiple users
10.08.06	Municipal sewer only customer
10.08.07	Reserved
10.08.08	Swimming pools
10.08.09	Tap connection fees
10.08.10	Extenuation policy
10.08.11	Penalty clause
10.08.12	Rate structure and mandated charges
10.08.13	Maintenance Fee

10.08.01 Individual units For the purpose of computation of the customers overall monthly water and sewer charges, the definition of "individual unit" shall be: each business, each apartment, each rental property, each mobile home, each modular structure, and each separate dwelling or structure to which metered water and /or sewer service is provided by the Bull Shoals Municipal Water and Sewer Systems. (Ord. No. 95-3, Sec. 1.)

10.08.02 Fee for "Clean Water Act" A State Health Department fee, currently \$0.25, for testing under the "Clean Water Act" will be assessed monthly for each water meter in service. This fee will automatically be increased to conform with any future increase mandated by the State Health Department. (Ord. No. 95-3, Sec. 2.)

10.08.03 Water and sewer base rate

MONTHLY MINIMUM WATER AND SEWER BASE RATE CHART

Meter Service	Water Rates		Sewer Rates	
<u>Meter Size</u>	<u>Minimum Bill</u>		<u>Minimum Bill</u>	
¾"	15.74	2,000 gallons	\$14.30	2,000 gallons
1"	\$22.87	3,000 gallons	\$18.76	3,000 gallons
1 ½"	\$44.16	7,000 gallons	\$30.70	7,000 gallons
2"	\$83.45	13,000 gallons	\$53.52	13,000 gallons
3"	\$150.19	26,000 gallons	\$99.63	26,000 gallons

All usage over the min.

or part thereof: \$5.05 per 1,000 gallons

\$2.82 per gallons

(Ord. No. 2014-2, Sec. 2.)

A single statement will be submitted for monthly water and sewer charges. All bills for services of the System shall be rendered monthly in the net amount due and must be paid within ten (10) days from the date of rendition and if not so paid a 10% penalty will be added. If any charge is not paid within 30 days after the same is due, the service (water or sewer) can be disconnected and suit can be brought to collect the amount due, together with a reasonable attorney's fee, plus a penalty of 10%. A charge of \$10.00 plus the payment of all arrears shall be required before any premises so disconnected shall be again connected to the System, (Ord. No. 2010-1, Secs. 3-4)

10.08.04 Residential and individual business

- A. The monthly rates for all residential and individual unit business customers on the Bull Shoals Municipal Water and Sewer System will be as stated in 10.08.04.
- B. For each additional gallon of water used over the appropriate gallon minimum, the customer will pay an additional \$0.00350 per gallon of water used. For each additional gallon of sewer usage over the appropriate gallon minimum, the customer will pay an additional \$0.00242 per gallon.
- C. The above rate will be in effect for the first 50,000 gallons of water or sewer usage each month. At that point (50,000) the water rate will drop to \$0.00297 per gallon of water used; the sewer rate will drop to \$0.00236 per gallon.
- D. The interest rate on meter deposits will match the current interest rate on the Meter Deposit Fund. (Ord. No. 2006-3, Sec. 4.)

10.08.05 Master meters serving multiple users

- A. Requirements and responsibilities:
 - 1. The person or entity signing for a master meter must own all the real estate served by the master meter, the real estate served must be contiguous, and cannot cross alleys, streets, public, or private real estate owned by others.
 - 2. Each individual unit of a master meter account must be properly identified to the Water/Sewer Department by the account holder. Failure to comply will be sufficient cause for the City Council to withdraw the privilege.
 - 3. Provide fair and equitable service to each consumer within the master meter area. Consumer complaints of poor service or price gouging are sufficient cause for the City Council to withdraw the master meter privilege and to require the account owner to install individual meters to each account consumer.
 - 4. Pay for all services and notify the Water and Sewer Department of any status changes promptly.
- B. Water and sewer monthly rates for master meter accounts:
 - 1. Commercial/business master meter:

- a. Will be based on the meter size, the number of individual units served, and the appropriate minimum gallons per unit as shown in the monthly minimum rate chart, 10.08.03.
 - b. Additional gallon usage above the appropriate minimum for water will be \$0.00350 per gal.
 - c. Additional gallon usage above the appropriate minimum for sewer will be \$0.00242 per gal.
2. Apartments master meter:
- a. The monthly water rate will be the number of individual apartment units times \$12.64 for the first 2,000 gallons. Each additional gallon of water will cost \$0.00350.
 - b. The monthly sewer rate will be the number of individual apartment units times \$12.50 for the first 2,000 gallons. Each additional gallon will cost \$0.00242. (Ord. No. 2006-3, Sec. 5.)
3. Resorts/Motels master meters:
- a. A resort or motel that rents or leases bedrooms with or without separate bathrooms to different customers on a daily or weekly timetable will be considered as one individual unit in the rate structure.
 - b. A resort or a motel with private living quarters for the owner/manager, the living quarters will be considered as a separate individual unit in the rate structure.
 - c. A resort/motel that has a different type of commercial business in the master meter or sewer service area that business will be considered as one separate individual unit in the rate structure.
 - d. The owner/manager of a resort motel that rents or leases any individual unit to the same customer for a contiguous period of time exceeding thirty (30) days will be charged the same rate structure for that unit as an apartment. (10.08.05)
 - e. The owner/manager will be held responsible for notification to the Municipal Water and Sewer Department the first day of each month of any status changes; resort/motel to rental apartments or

dwellings, or any other mixture of unit utilization. Water/Sewer rates will be changed accordingly to comply with this ordinance.

- f. Failure to comply with the above will result in a fine of not less than \$25.00 or more than \$50.00 per day for each day in violation. Repeated violations will result in the loss of master meter account privileges.
- g. Resort/motel water and sewer rates will be based on the meter size, the assigned numbers of units to each master meter account, the number of assigned apartment units, and the appropriate minimum gallons of usage. Additional usage above appropriate minimum for water will be \$0.00350 per gallon. Additional usage above the appropriate minimum for sewer will be \$0.00242 per gallon. (Ord. No. 2006-3, Sec. 5.)

10.08.06 Municipal Sewer only customer

A Sewer only customers with a private water well will hire a licensed plumber to install a city furnished water meter between the customer’s well head and individual unit of use. Monthly sewer charges will be as follows:

Metered well, sewer only customer

<u>Water Meter Size</u>	<u>Minimum Gallons</u>	<u>Minimum Sewer Rate</u>
¾"	2,000	12.50
1"	3,000	16.56
1 ½"	7,000	26.90
2"	13,000	47.32
3"	26,000	88.23

(Ord. No. 2006-3, Sec. 6.)

Additional usage above the minimum gallon sewer rate will be \$0.00242 per gallon.

- 2. Residential or one individual business unit sewer charges will be based upon the meter size, the minimum gallons used, and the minimum rate.
- 3. Commercial business with more than one assigned individual unit charges will be based upon the meter size, the minimum gallons used, and the number of municipal assigned individual units times the minimum rate.

4. Resorts/Motels with private un-metered well heads will be charged \$35.00 per individual assigned unit by the Municipal Water and Sewer Department. (Ord. No. 95-3, Sec. 6.)
 5. Apartment building sewer charges will be based upon the number of units times \$12.50 per 2,000 gallons of sewer usage each unit. (Ord. No. 2006-3, Sec. 6.)
- B. Un-metered well, sewer only customer:
1. Residential or one individual small business unit customer who refuses to install a city meter on their wellhead will be charged a flat fee of \$40.00 per month for sewer usage.
 2. A commercial customer with more than one individual unit being served by a private well who fails to install a city meter on their wellhead will be charged a flat fee of \$55.00 per individual unit per month sewer charge.
 3. Apartment buildings with a private well will be charged a flat fee of \$40.00 for each individual unit per month if they refuse to install a city master meter on their wellhead.
 4. Resort/motels with private un-metered wellheads will be charged \$40.00 per individual assigned unit by the Municipal Water and Sewer Department. (Ord. No. 2006-3, Sec. 6.)

10.08.07 Reserved

10.08.08 Swimming pools

- A. Owner of swimming pool, when filling the pool with city metered water or a private owner's city-metered well, will not be charged sewer usage monthly charges for swimming pool water providing the following policy is adhered to:
1. 24 hours before starting actual pool filling, owner must go to City Hall Water/Sewer Office and obtain a "Swim Pool Meter" card,
 2. Carefully, follow directions on the card and return card within 72 hours.
- B. Swimming pools may be drained only under the direct supervision of a Municipal Water System employee who is licensed by the State Department of Pollution Control and Ecology. This service will be provided free of charge by the city of Bull Shoals. This action is necessary to prevent the "killing" of the Municipal Sewer Plant.
- C. Violation of this ordinance (10.08.08 [A]) will result in a fine of \$250.00 per day for each day the sewer plant is caused to be out of operation. The actual cost of any damage or labor costs involved in the clean-up and/or restoring of the Municipal Sewer Plant or its customer's will be the direct responsibility of the violator. (Ord. No. 95-3, Sec. 8.)

10.08.09 Tap/connection fees The Bull Shoals Municipal water and sewer tap/connection fees, meter security deposits, and re-connection charges will be as follows:

- A. Water, new construction tap/connection for installation of a saddle yoke, corp stop, tubing, loop, brass nipple, meter, box and lid is as follows:
- | | | |
|-----------------------------|----------------|----------------|
| $\frac{3}{4}$ " Water meter | 1" Water meter | 2" Water meter |
| \$450.00 | \$550.00 | \$2,000.00 |
- B. The Water/Sewer deposit fees for Homeowners will be Seventy Five Dollars (\$75.00). This fee is refundable, plus interest to the Homeowner to be computed at .0125% per annum upon the sale of the homestead after all outstanding water/sewer fees are paid in full.
1. The Water/Sewer deposit fees for Renters will be One Hundred Twenty-Five (\$125.00). This fee is refundable, plus interest to the Renter to be computed at .0125% per annum upon moving from the rented property after all outstanding water/sewer fees are paid in full.
 2. The Homeowner or Renter may use this deposit as payment for their final billing, if the billing does not exceed the deposit.
 3. Final returns of deposits, plus interest are returned to the customer of record once a month. (Ord. No. 2013-8, Secs. 1-4.)

C. Meter re-connection charge. If a customer's meter is disconnected from the municipal water system for any reason generated by that customer, prior to re-connection, that customer shall pay delinquent fees and charges including a disconnection charge of \$50.00. (Ord. No. 2014-08, Sec. 2.)

- D. Sewer, new construction tap/connection fee will be \$450.00 for connecting to the city sewer main. It is the builder or property owner's responsibility to pay the cost, including labor and materials, of extending the service line to the sewer main tap. All work must be inspected by the state plumbing inspector. (Ord. No. 2006-3, Sec. 9.)

If the developer of a subdivision at their expense installs all water and sewer lines to each lot including a saddle yoke and protective meter box for water and a sewer stub ready for plumber to connect homes, the tap fees will be one seventh (1/7) of regular tap fees at time of installation. If developer transfers a lot within subdivision to a second party, said party will be required to pay the standard tap fees set by water and sewer ordinance at time of connection to system. (Ord. No. 98-14, Sec. 1.)

- E. For discontinuance of service requested by customer for short-term vacations or seasonal residency, a service charge of \$15.00 will incur for unlocking of meter. (Ord. No. 95-22, Sec. 1.)

Water meter security deposits will earn interest at the annual percentage rate of 2%, to be paid as a credit on the user's monthly water bill at each anniversary of the user's initial entry into the Bull Shoals Municipal Water and Sewer System. (Ord. No. 99-9, Sec. 1.)

10.08.10 Extenuation policy That the Bull Shoals Municipal Water and Sewer System line extenuation policy will be as follows:

- A. Water and Sewer Projects

When water or sewer mains are extended as part of a designated project initiated by the city, property owners will not bear the cost of extending the main lines, unless this project is a designated water or sewer assessment district expansion program.

- B. Water and Sewer Requests

When a water or a sewer main must be extended to a private property line in order to meet a request for service, the cost of extending the main line will be the responsibility of the property owner or builder. The location of the main line, the size of the main line, and where any line connections will be located will be determined by the Department of Public Works. The main line then becomes a legal binding part of the entire Municipal Water/Sewer system.

C. Easements

The builder or private property owner requesting water or sewer service will be responsible for obtaining any legal easements necessary to extend water or sewer mains before any work may be started when any main crosses onto other private property. All legal easements including a legal easement across the "service requested" property will then become a legal binding part of the entire Municipal Water and Sewer system.

- D. All work must be done in accordance with city regulations and must be inspected and approved by the city or state plumbing inspector. (Ord. No. 95-3, Sec. 10.)

10.08.11 Penalty clause

A. Digging public and private

1. Any entity that has a need to dig on public and/or private lands will be responsible for contacting the Municipal Public Works Department before any work begins to insure that no damage or displacement of municipal water or sewer lines takes place.
2. Failure to comply with the above, or careless workmanship will result in a fine of not less than \$100.00 per day or more than \$250.00 per day plus actual cost of labor and materials used to repair the damage or displaced water or sewer line. These costs will be determined by the Department of Public Works or the courts of the land.

B. Water meter

1. The property owner will be held responsible for any meter installed to service the owner's property. Any damage to, tampering with, or any attempt to alter the purpose of the meter function will result in immediate disconnection of water service.
2. A fine of not less than \$25.00 or more than \$50.00 per day for each day of violation will be assessed to the property owner. This daily fine will continue until the altered situation has been corrected.
3. Any delinquent charges, all current charges, and re-connection fee of \$50.00 must all be paid in full before any water service will be re-connected to the property. (Ord. No. 95-3, Sec. 11.)

- C. Water/sewer monthly billing
1. Each new water/sewer/sanitation billing charges will be given out during the first (1st) week of the month and has a "due date" of the twentieth (20th) on the same month. Any payment not made by the "due date" will be assessed a late charge that is set by the City Council of the city of Bull Shoals under Title 10 Chapter 10.08.11.C.2. If the water/sewer/sanitation bill is not paid in full with late fee included by 10 A.M. on the last day of the month, water service will be shut off and locked, until full payment is made. If the last day of the month falls on a Saturday, Sunday or a city designated holiday, the water service will be shut off and locked after 10 A.M. the next business day. (Ord. No. 2013-1, Sec. 2.)
 2. The City Council sets a twelve percent (12%) water/sewer billing late charge fee on any payment not made by the "due date" established in Ord. No. 95-3 to be effective upon the date of passage of this ordinance. (Ord. No. 2003-8, Sec. 1.)
 3. A re-connection charge of \$50.00 and full payment of delinquent and current water/sewer charges must be "Paid in Full" before any service will be re-connected. (Ord. No. 95-3-C.)
- D. Hardship cases

For reasons beyond the customer's control and seeks to have consideration about payment of water/sewer bill must go to City Hall and request same. Mayor or designated person must approve any hardship cases. (Ord. No. 2006-3, Sec. 11.)

10.08.12 Rate structure and mandated charges

- A. Rate structure - All or any part of the rate structure, in this ordinance, may be increased annually up to the national rate of inflation as published by the U.S. Department of Labor for any given year by a resolution of the City Council. Any increase beyond the national rate of inflation for any given year of consideration must be adopted by a new ordinance or ordinance amendment.
- B. Mandated charges - All charges mandated by state and/or federal government agencies will go into effect automatically according to mandated requirements upon official notification to the city and will be collected from the date the mandating agency requires payment. (Ord. No. 95-3, Sec. 12.)

10.08.13 Maintenance Fee In order to revitalize, update and establish a Depreciation Fund within the Water Department budget, a five-dollar (\$5.00) per month maintenance fee will be added to the water bill(s) of all customers of the City of Bull Shoals Water System. The fee will be accessed on all water meters that are active during a billing period or any part thereof. The fee will be attached to active Sprinkling Meters. Sprinkler Meters not in use may, at the request of the owner, be placed on vacation disconnect: and said meters will be shut off and locked by the Bull Shoals Water Department Upon request for reconnection by the owner, a reconnection fee will apply. (Ord. No. 2015-4, Secs. 4-5.)

CHAPTER 10.12

CONTRACT WITH MARION COUNTY WATER DISTRICT

Sections:

10.12.01	Obligations
10.12.02	Approved
10.12.03	Mayor is authorized
10.12.04	Amendments

10.12.01 Obligations The Mayor of the city is authorized and directed to enter into the Water Purchase Contract (identified hereinbelow) and to perform the obligations of the city set forth therein. (Ord. No. 88-13, Sec. 1.)

10.12.02 Approved The Water Purchase Contract is approved in substantially the form of Exhibit A hereto, and the Mayor is authorized to execute the Water Purchase Contract with such insubstantial or formal changes as may be necessary or appropriate, his signature to constitute conclusive evidence of approval of such changes. (Ord. No. 88-13, Sec. 2.)

10.12.03 Mayor is authorized The Mayor of the city is authorized to enter into such agreements and to execute and deliver such writings and take such action as may be appropriate to carry out the terms and purpose of this ordinance and the Water Purchase Contract. (Ord. No. 88-13, Sec. 3.)

10.12.04 Amendments

- A. The Water Purchase contract between the city and the district, dated December 28, 1988, is hereby amended as set forth in the amendment to Water Purchase Contract, a copy of which is attached hereto as Exhibit A. (Ord. No. 89-11, Sec. 1.)
- B. The original contract is hereby amended as set forth in the Supplemental Water Purchase Contract, a copy of which is attached hereto as Exhibit A. (Ord. No. 94-12, Sec. 1.)
- C. The original contract is hereby amended as set forth in the Supplemental Water Purchase Contract, a copy of which is attached hereto as Exhibit A. (Ord. No. 95-12, Sec. 1.)

CHAPTER 10.16

FIRE HYDRANTS

Sections:

10.16.01	Taking water from fire hydrant
10.16.02	Limit of permit
10.16.03	Waste of water
10.16.04	Portable water meter
10.16.05	Damage to fire hydrant
10.16.06	Fine
10.16.07	Enforcement

10.16.01 Taking water from fire hydrant No person shall open and/or take water from any fire hydrant connected to the city of Bull Shoals, Arkansas, waterworks systems, unless such person has first made application with the city of Bull Shoals and received a permit describing the location and purpose for said water use, unless such person is an employee of the city of Bull Shoals and is acting in the legal discharge of his duties. (Ord. No. 98-9, Sec. 1.)

10.16.02 Limit of permit No person to whom a permit has been issued, which includes, but not limited to construction, irrigating, testing, flushing etc. shall use or give consent to another person water not authorized by said permit. (Ord. No. 98-9, Sec. 2.)

10.16.03 Waste of water Any person to whom a permit has been issued shall at all times use precaution to prevent any waste of water or damage and upon completion of water use that day, shall be required to close off all stop-cocks and valves. (Ord. No. 98-9, Sec. 3.)

10.16.04 Portable water meter Any construction other than a single family dwelling, will require the installation by a city of Bull Shoals Water Department employee, of a portable water meter, which will be read weekly and billed accordingly. (Ord. No. 98-9, Sec. 4.)

10.16.05 Damage to fire hydrant No person shall willfully or carelessly break, deface or cause damage to any fire hydrant. Nor shall any person pollute or waste water at any fire hydrant. Nor shall any person obstruct, place any material in front or within five (5) feet of either side of any fire hydrant. (Ord. No. 98-9, Sec. 5.)

10.16.06 Fine Any person, firm or corporation who shall violate any of the section(s) of this ordinance and/or amendments shall be guilty of an ordinance violation. For the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00). Any subsequent offense, shall be fined a minimum of Five Hundred Dollars (\$500.00). (Ord. No. 98-9, Sec. 6.)

10.16.07 Enforcement Enforcement of this ordinance shall rest with the city of Bull Shoals Police Department. All city employees, its sub-contractors and city inspectors shall notify the Police Department immediately when any suspected violation is observed. (Ord. No. 98-9, Sec. 7.)

CHAPTER 10.20

CROSS-CONNECTION

Sections:

- 10.20.01 Authority
- 10.20.02 Definitions
- 10.20.03 General technical requirements
- 10.20.04 Maintenance requirements
- 10.20.05 Violations and penalties

10.20.01 Authority

- A. Responsibility of the director - The director, Department of Public Works or his designated agent, shall inspect the plumbing in every building or premises in this city as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The director shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the director, any plumbing installed or existing contrary to or in violation of this ordinance, and which in his judgment, may, therefore, permit the pollution of the city water supply or otherwise adversely affect the public health.
- B. Inspection - The director, or his designated agent, shall have the right of entry into any building during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that with respect to the inspection of any single family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof. (Ord. No. 94-18, Sec. 1.)

10.20.02 Definitions

Agency - The department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this ordinance.

Air gap - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

Approved - Accepted by the agency as meeting an applicable specification stated or cited in this ordinance or as suitable for the proposed use.

Auxiliary supply - Any water source or system other than the potable water supply that may be available in the building or premises.

Backflow - The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of backflow.

Backflow preventer - A device or means to prevent backflow.

Backsiphonage - Backflow resulting from negative pressures in the distributing pipes of a potable water supply.

Barometric loop - A loop of pipe rising at least 35 ft at its topmost point, above the highest fixture it supplies.

Check valve - A self-closing device that is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

Contamination - See **Pollution**.

Cross connection - Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet that is submerged or can be submerged in wastewater and/or any other source of contamination. See **Backflow** and **Backsiphonage**.

Drain - Any pipe that carries wastewater or waterborne wastes in a building drainage system.

Fixture, plumbing - Installed receptacles, devices, or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

Flood-level rim - The edge of the receptacle from which water overflows.

Hazard, health - Any conditions, devices, or practices in the water supply system and its operation that create, or in the judgment of the director, may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

Hazard, plumbing - Any arrangement of plumbing including piping and fixtures whereby a cross connection is created.

Hydropneumatic tank - A pressure vessel in which air pressure acts on the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

Inlet - The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

Plumbing system - Includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste, and vent pipes; building drains and building sewers including their respective connections, devices, and appurtenances within the property lines of the premises; and water-treating or water-using equipment.

Pollution - The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Reduced-pressure-principle-backflow-preventer - An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.

Surge tank - The receiving, non-pressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

Vacuum - Any pressure less than that exerted by the atmosphere.

Vacuum breaker, non-pressure type - A vacuum breaker designed so as not to be subjected to static line pressure.

Vacuum breaker, pressure type - A vacuum breaker designed to operate under conditions of static line pressure.

Water, potable - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the public health authority having jurisdiction.

Water, non-potable - Water that is not safe for human consumption or that is of questionable potability.

10.20.03 General technical requirements

General A potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from non-potable liquids, solids, or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

Cross connections prohibited Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices such as the reduced-pressure-zone-backflow-preventer or equal are installed, tested, and maintained to ensure proper operation on a continuing basis.

Interconnections Interconnection between two or more public water supplies shall be permitted only with the approval of the health authority having jurisdiction.

Individual water supplies Cross connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the health authority having jurisdiction.

Connections to boilers Potable water connections to boilers shall be made through an air gap or provided with an approved backflow preventer.

Prohibited connections to fixtures and equipment Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with section 3.8 or as set out herein.

- A. Bidets
- B. Operating, dissection, embalming, and mortuary tables or similar equipment - in such installations the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments.
- C. Pumps for nonpotable water, chemicals, or other substances - priming connections may be made only through an air gap.
- D. Building drainage, sewer, or vent systems.
- E. Any other fixture of similar hazard.

Refrigerating unit condensers and cooling jackets Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure-relief

valve set to relieve at 5 psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 lb of refrigerants.

Protection against backflow and backsiphonage

Water outlets A potable water system shall be protected against backflow and backsiphonage by providing and maintaining at each outlet:

- A. **Air gap**- An air gap, as specified in section 3.82 between the potable water outlet and the flood-level rim of the fixture it supplies or between the outlet and any other source of contamination, or
- B. **Backflow preventer** - A device or means to prevent backflow.

Minimum required air gap

- A. **How measured** The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
- B. **Size** The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required air gap shall be three times the effective opening of the outlet. In no case shall the minimum required air gap be less than shown in Table 3.1.

Table 3.1

Minimum Air Gaps for Generally Used Plumbing Fixtures

<u>Fixture</u>	<u>Minimum Air Gap</u>	
	When not affected by near wall* (in.)	When affected by near wall+ (in.)
Lavatories and other fixtures with effective openings not greater than ½ in. diameter	1.0	1.50
Sink, laundry trays, goose-neck bath faucets, and other fixtures with effective openings not greater than 3 in. diameter	1.5	2.25
Over-rim bath fillers and other fixtures with effective openings not greater than 1 in. diameter	2.0	3.0

Drinking water fountains - single orifice 7/16 in diameter or multiple orifices having total area of circle 7/16 in. diameter	1.0	1.50
Effective openings greater than 1 in.	~	^

*Side walls, ribs or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the diameter of the effective opening for a single wall or a distance greater than four times the diameter of the effective opening for two intersecting walls.

+Vertical walls, ribs or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in footnote (*) above. The effect of three or more such vertical walls or ribs has not been determined. In such cases the air gap shall be measured from the top of the wall.

~Two times diameter of effective opening.

^Three times diameter of effective opening.

Approval of devices Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the agency director. Devices installed in a building's potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The agency director, or his designated agent, shall routinely inspect such devices and, if found to be defective or inoperative, shall require the replacement thereof.

Installation of devices

- A. **Vacuum breakers** Vacuum breakers shall be installed with the critical level at least 6 in. above the flood-level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels, such as pressure sterilizers, the top of the vessel shall be treated as the flood-level rim but a check valve shall be installed on the discharge side of the vacuum breaker.
- B. **Reduced-pressure-principle-backflow-preventer** A reduced-pressure-principle -type-back flow-preventer may be installed subject to full static pressure.
- C. **Devices of all types** Backflow and backsiphonage preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

Tanks and vats - below rim supply

- A. Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in Table 3.2, the overflow pipe shall be provided with an air gap as close to the tank as possible.

Table 3.2

Sizes of Overflow Pipes for Water Supply Tanks

Maximum capacity of water supply line to tank	Diameter of overflow pipe (in. ID)	Maximum capacity of water supply line to tank	Diameter of overflow pipe (in. ID)
0-50 gpm	2	400 - 700 gpm	5
50-150 gpm	2 ½	700 - 1000 gpm	6
100-200 gpm	3	Over 1000 gpm	8
200-400 gpm	4		

- B. The potable water outlet to the tank or vat shall terminate a distance not less than 1 ½ times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap overflow outlet closed.
- C. The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

Protective devices required Approved devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

Connections not subject to back pressure Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in Table 3.3.

Table 3.3

Cross Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Vacuum Breakers*

Fixture or equipment	Method of installation
Aspirators and ejectors	C-L at least 6 in. above flood level of receptacle served
Dental units	On models without built-in vacuum breakers - C-L at least 6 in. above flood level rim of bowl
Dishwashing machines	C-L at least 6 in. above flood level of machine. Install on both hot and cold water supply lines.
Flushometers (closet and urinal)	C-L at least 6 in. above top of fixture supplies.
Garbage can cleaning machine	C-L at least 6 in. above flood level of machine. Install on both hot and cold water supply lines.
Hose outlets	C-L at least 6 in. above highest point on hose line.
Laundry machines	C-L at least 6 in. above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 in. above highest sprinkler or discharge outlet.
Steam tables	C-L at least 6 in. above flood level
Tanks and vats	C-L at least 6 in. above flood level rim or line.
Trough urinals	C-L at least 30 in. above perforated flush pipe.
Flush tanks	Equip with approved ball cock. Where ball cocks touch tank water, equip with vacuum breaker at least 1 in. above overflow outlets. Where ball cock does not touch tank water install ball cock outlet at least 1 in. above overflow outlet or provide vacuum breaker as specified above.
Hose bibbs (where aspirators or ejectors could be connected)	C-L at least 6 in. above flood level of receptacle served.

*Critical level (C-L) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.

Connections subject to back pressure Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an air gap cannot be installed, the director may require the use of an approved reduced-pressure-principle-backflow-preventer. A partial list of such connections is shown in Table 3.4.

Table 3.4

Partial List of Cross Connections That May Be Subject to Back Pressure

Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Tank and vats - bottom inlets
Pressure tanks	Hose bibbs

Double-check valves The director may authorize installation of approved, double check-valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems that present no significant health hazard in the judgment of the director.

Low pressure cutoff required on booster pumps When a booster pump is used on a water-pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets. (Ord. No. 94-18, Sec. 3.)

10.20.04 Maintenance requirements

General requirements It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

Backflow preventers Periodic testing and inspection schedules shall be established by the director for all backflow preventers, and the interval between testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed 1 year, and overhaul intervals should not exceed 5 years. These devices should be inspected frequently after the initial installation to ensure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the director.(Ord. No. 94-18, Sec. 4.)

10.20.05 Violation and penalties

Notification of violation The director shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of this ordinance, of such violation. The director shall set a reasonable time for the owner to have the violation removed or

corrected. On failure of the owner to have the defect corrected by the end of the specified time interval, the director may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as herein may be provided.

Fines The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of time set by the director shall, on conviction thereof by the court, be required to pay a fine of not more than \$100.00 for each violation. Each day of failure to comply with the requirements of the ordinance, after the specified time provided under Section 5.1, shall constitute a separate violation. (Ord. No. 94-18, Sec. 5.)

CHAPTER 10.24

WELLHEAD PROTECTION PROGRAM

Sections:

10.24.01	Title and purpose
10.24.02	Definitions
10.24.03	Establishment of a Wellhead Protection Zone
10.24.04	Permitted uses
10.24.05	Prohibited uses

10.24.01 Title and purpose The purpose of this ordinance is to insure the provision for a safe and sanitary drinking water supply by the establishment of Wellhead Protection Zones surrounding the city water supply wellheads of the city of Bull Shoals, Arkansas, by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord. No. 2001-9, Sec. 1.)

10.24.02 Definitions When used in this ordinance the following words and phrases shall have the meanings given in this section:

Hazardous waste or material - any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

- B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill - a disposal site where solid wastes, including putrescible wastes, or hazardous wastes are disposed of on land by placing earth cover thereon.

Wellhead - the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Regulatory agency - any government agency with jurisdiction over hazardous waste as defined herein.

Wellhead Protection Zone - all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1320 feet, or any part thereof which the city has jurisdiction. (Ord. No. 2001-9, Sec. 2.)

10.24.03 Establishment of a Wellhead Protection Zone There is hereby established a use district to be known as a Wellhead Protection Zone. (Ord. No. 2001-9, Sec. 3.)

10.24.04 Permitted uses The following uses shall be permitted within Wellhead Protection Zones:

- A. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord. No. 2001-9, Sec. 4.)

10.24.05 Prohibited uses The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under 10.24.04 of this ordinance unless such uses are approved or permitted by state and federal regulatory agencies:

- A. Surface use or storage of hazardous material, including commercial use of agricultural pesticides;
- B. Septic tanks or drain fields appurtenant thereto;
- C. Impervious surfaces other than roofs of buildings, streets, parking lots, driveways and walks serving buildings permitted under 10.24.04 of this ordinance;
- D. Sanitary landfills, hazardous waste disposal sites;
- E. Storm water infiltration basins;

- F. Underground storage tanks;
- G. Sanitary sewer lines within 100 feet of a wellhead.
(Ord. No. 2001-9, Sec. 5.)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Official and Permits
- 11.08 Standard Codes
- 11.12 Condemned Structures

CHAPTER 11.04

BUILDING OFFICIAL AND PERMITS

Sections:

- 11.04.01 Building Official
- 11.04.02 Building permit
- 11.04.03 Penalty
- 11.04.04 Fee Schedule
- 11.04.05 Automatic Increases of Fees
- 11.04.06 Distribution of fees beginning in 2008
- 11.04.07 Penalty

11.04.01 Building Official The provisions of this part of the ordinance shall be administered by a Building Official designated by the city of Bull Shoals. The enforcement official shall be the Building Official. (Ord. No. 2001-3, Ch. IX, Art. 9-1.)

11.04.02 Building permit A building permit shall be issued when the application has been approved by the Building Official as meeting requirements of this part of the ordinance. The building permit must be obtained prior to any alterations to property that would be affected by any provision of this ordinance. A building permit shall be required for any property to have water, sewer, or 911 service provided. All property in use at the time of the adoption of this ordinance shall be deemed to be in zoning compliance and no action will be required on the part of either the property owner or property user. Thereafter, new construction, additions, or alterations shall require a building permit. Applications for a building permit notice shall be submitted to the Building Official on forms provided by the city of Bull Shoals. The Building Official shall have the authority to grant compliance or may, at his discretion, refer applications

to the Planning Commission for review and approval. Any removal or replacement of main interior or exterior supporting walls, or removal or installation of electrical wiring or interior plumbing pipes, constitutes a building alteration and not a repair, and requires a building permit. (Ord. No. 2001-3, Ch. IX, Art. 9-2.)

11.04.03 Penalty Any person, firm, or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the city shall be guilty of an ordinance violation, and upon conviction shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (Ord. No. 2001-3, Ch. IX, Art. 9-3.)

11.04.04 Fees Schedule

Building Permit Fees	Fee	Notes
Outbuilding fee	\$32.00 + \$0.11/sq ft over 80 sq ft	
New residential construction and additions for single family, multi-family and manufactured homes	\$0.16/sq ft	Based on exterior square footage; all floor space including garages, attics, basements, living space and decks
New commercial structures and additions	\$0.27/sq ft	Based on exterior square footage; all floor space including garages, attics, basements, living space and decks
Mechanical inspection fee per unit, such as heating and air conditioning	\$48.00	
Fence fee	\$27.00	
Land Use Fees		
Clearing or filling	\$27.00	
Grading or drainage	\$27	
Electrical Permit Fees		
New construction, building additions, building u grades	\$48.00 + \$2.25 per circuit	Maximum inspections - 3
Change entrance service	\$42.00	
Motors and generators	\$27.00	

Misc. (signs, light poles)	\$42.00	
Temporary loop	\$27.00	
Trailer connection	\$37.00	
Meter inspections	\$21.00	
Plumbing Fee Schedule		
Sewer line	\$16.00	
Water line	\$16.00	
Multi-user line	\$27.00	
Plumbing single family dwelling	\$48.00	
Plumbing Multi-family dwelling	\$48.00 +\$27.00 per unit	
Plumbing — churches	1% plumbing cost (bid)	
Plumbing — commercial	1% plumbing cost (bid)	
Plumbing Additions and remodeling	\$32.00	
Project		Bull Shoals Fee
Accessory Use Permit		\$25.00
Conditional Use Permit (Special Use Permit)		\$100.00 + publication fee
Annexation		\$325.00 + map fee + publication fee
Rezoning		\$100.00 + map fee + publication fee
Street Abandonment		\$200.00 + map fee + publication fee
Lot split		\$100.00 \$25.00 per lot+ map fee
Subdivision Sketch Plat		\$0.00
Subdivision Preliminary Plat		\$100.00 + \$5.00 per lot
Subdivision Final Plat		\$100.00 + map fee
Administrative Appeal Board of Zoning Adjustment		\$50.00
Temporary Use Permit — Board of Zoning Adjustment		Non-profit \$25.00 For profit \$250.00
Variance — Board of Zoning Adjustment		\$50.00 + publication fee

Any project requiring a change on the city maps shall include a map change fee of \$150.00 or actual cost, whichever is greater.

Any project requiring publication of public notice shall include a publication fee of \$50.00 or actual cost, whichever is greater. (Ord. No. 2008-6, Sec. 3.)

11.04.05 Automatic Increases of Fees All permit fees shall increase 5% per year beginning in 2009. This amount shall be rounded up to the next higher dollar amount, except for the per square foot charge for residential and commercial building permits and per circuit charge on electrical permits which shall be rounded to the next higher cents. (Ord. No. 2008-6, Sec. 4.)

11.04.06 Distribution of fees beginning in 2008 The building official or his designated representative shall receive 50% of permit fees for new residential building permits and additions, 50% from new commercial construction permits and 60% of permit fees collected for other permits within his/her jurisdiction.

The plumbing inspector or his designated representative shall receive 50% of permit fees except water and sewer tap fees. (Ord. No. 2008-6, Sec. 5.)

11.04.07 Penalty Any person, firm, corporation or other identity found violating any of the provisions of this ordinance shall be subject to a fine, not less than \$100.00, not more than \$500.00 for each day for which a violation continues to exist. (Ord. No. 2008-6, Sec. 6.)

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CHAPTER 11.08

STANDARD CODES

Sections:

- 11.08.01 Recent editions of codes
- 11.08.02 Repealed ordinances
- 11.08.03 Responsible official

11.08.01 Recent editions of codes The most recent editions of the following codes are hereby adopted by reference as though they were copied herein fully:

- Standard National Electrical Code
- Standard Amusement Device Code
- Standard Building Code
- Standard Existing Buildings Code
- Standard Fire Prevention Code
- Arkansas Gas Code
- Standard Housing Code
- Arkansas Mechanical Code
- Arkansas Plumbing Code
- Standard Swimming Pool Code
- Standard Unsafe Building Abatement Code
(Ord. No. 96-6, Sec. 1.)

11.08.02 Repealed ordinances Be it further ordained by the Bull Shoals City Council that any matters in said codes which are contrary to existing ordinances of Bull Shoals shall prevail and that Ord. No. 137 and 89-5 are hereby repealed and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. No. 96-6, Sec. 2.)

11.08.03 Responsible official Be it further ordained that within said codes, when reference is made to the duties of a certain official named therein, that designated official of the city of Bull Shoals who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. No. 96-6, Sec. 3.)

CHAPTER 11.12

CONDEMNED STRUCTURES

Sections:

11.12.01	Building constituting a nuisance
11.12.02	Condemnation
11.12.03	Reason for condemnation
11.12.04	Certified copy mailed
11.12.05	Nuisance torn down or removed
11.12.06	Public notification
11.12.07	Abatement
11.12.08	Proceeds from sale
11.12.09	Lien on property
11.12.10	Fine
11.12.11	Action of attorney

11.12.01 Building constituting a nuisance That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the Corporate limits of the City of Bull Shoals, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council. (Ord. No. 2007-7, Sec. 1.)

11.12.02 Condemnation That any such house, building and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 2007-7, Sec. 2.)

11.12.03 Reason for condemnation

- A. That prior to the consideration of a Resolution by the City council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the dates of and place that the City council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.
- B. Should the owner(s) and mortgagee(s) and/or lien holder(s) of an house, building and/or structure be unknown or their whereabouts be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon the premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s) and/or lien holder(s). Thereupon service of publication as now provided by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such person(s) by registered letter addressed to their last known place(s) of residence or business. (Ord. No. 2007-7, Sec. 3.)

11.12.04 Certified copy mailed That the Resolution of the City Council condemning any house, building and/or structure Which constitutes a nuisance will include in said Resolution an adequate description of the house, building and/or structure; the name(s), if known of the owner(s) and mortgagee(s) and/or lien holder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 2007-7, Sec. 4.)

11.12.05 Nuisance torn down or removed When a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true or certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building and/or structure be unknown, or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation. (Ord. No. 2007-7, Sec. 5.)

11.12.06 Public notification If the house, building and/or structure constituting a nuisance has not been tom down or removed, or said nuisance otherwise abated within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be tom down and/or removed by the Building Inspector or his duly-designated representative. (Ord. No. 2007-7, Sec. 6.)

11.12.07 Abatement The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure or any saleable materials thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance. (Ord. No. 2007-7, Sec. 7.)

11.12.08 Proceeds from sale All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provision of this Ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or saleable materials thereof, be sold for an amount which will exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 2007-7, Sec. 8.)

11.12.09 Lien on property If the City has any net costs in removal of the house, building

and/or structure, the City shall have a lien on the property as provided by A.C.A. 14-54-904. (Ord. No. 2007-7, Sec. 9.)

11.12.10 Fine A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in 11.12.04 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance. (Ord. No. 88-8, Sec. 9.)

11.12.11 Action of Attorney In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the Court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the Court, the Building Inspector or other person or persons referred to in 11.12.05 of this ordinance will take such action as provided in 11.12.06 hereof, and 11.12.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 88-8, Sec. 10.)

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Recreation and Activities Committee
- 12.08 Bull Shoals Park Fees
- 12.12 Park Names

CHAPTER 12.04

RECREATION AND ACTIVITIES COMMITTEE

Sections:

- 12.04.01 Members
- 12.04.02 Chairperson
- 12.04.03 Responsibilities
- 12.04.04 Income
- 12.04.05 Public Works Department
- 12.04.06 Fees
- 12.04.07 Budget report
- 12.04.08 Authority of PRAC

12.04.01 Members The Mayor, at the first City Council meeting of each calendar year shall appoint, and the City Council of Bull Shoals shall approve, five members to the Bull Shoals Parks and Recreation Committee; provided that nothing contained herein shall prohibit any member from serving more than one term. Members not attending three consecutive meetings may be voted off by a committee majority voter. The Committee will set meeting dates. (Ord. No. 2016-1, Sec. 1.)

12.04.02 Chairperson The Committee shall elect a Chairperson by majority vote annually. The Mayor may serve as an ex-officio member of the committee. The Chairperson will provide a monthly report for the Mayor and City Council. (Ord. No. 2016-01, Sec. 2.)

12.04.03 Responsibilities The Parks and Recreation Committee will provide advice and planning assistance to the Mayor, City Council and Public Works Director. (Ord. No. 2016-01, Sec. 3.)

12.04.04 Income All income derived from 12.04.03 shall be deposited in the appropriate account by the City Treasurer. (Ord. No. 2016-01, Sec. 4.)

12.04.05 Public Works Department The Public Works Department shall perform maintenance of the parks and park facilities. (Ord. No. 2016-01, Sec. 5.)

12.04.06 Fees Fees for park services shall be established by resolution. (Ord. No. 2016-01, Sec. 6.)

12.04.07 Budget report The PRAC shall submit an annual activities plan and budgetary requirement to the Mayor and City Council at the first meeting annually, to be updated semi-annually. (Ord. No. 2016-01, Sec. 7.)

12.04.08 Authority of PRAC The Parks and Recreation Committee shall submit an annual activities plan and budgetary recommendations to the Mayor and City Council prior to budgetary meetings for consideration. (Ord. No. 2016-01, Sec. 8.)

CHAPTER 12.08

BULL SHOALS PARK FEES

Sections:

- 12.08.01 Fees
- 12.08.02 Penalties

12.08.01 Fees The fees for the city of Bull Shoals Parks Facilities are as follows:

Pavilions	\$35.00 for ½ day	(8 a.m. – 3p.m. or 3p.m. – 10p.m.)
	\$50.00 for full day	(8a.m. – 10p.m.)
Meeting place	\$35.00 for ½ day	(8a.m. – 3p.m. or 3p.m. – 10p.m.)
	\$50.00 for full day	(8a.m. – 10p.m.)
	\$7.50 for ½ day (\$15.00 for full day) by non-profit organization	
Campsites	A day is a 24 hour period beginning 11:00 a.m. one day to 11:00 a.m. the following day.	
	\$8.00 per day for up to three (3) tents, \$3.00 per day for each additional tent. (Ord. No. 2005-8, Sec. 1.)	
Boat launch pass	\$3.00 per day per boat or	
	\$30.00 annually (\$15.00 with Golden Age Passport)	

Other park facilities \$15.00 for ½ day (8 a.m. – 3p.m. or 3p.m. – 10p.m.)
\$30.00 for full day (8a.m. – 10p.m.)

All park facilities Free of charge to city of Bull Shoals employees and for official city of Bull Shoals related functions

Cancellation fee The city of Bull Shoals reserves the right to charge a \$10.00 fee if a reservation is cancelled. (Ord. No. 2003-15, Sec. 1.)

12.08.02 Penalties Individuals not adhering to the guidelines of this resolution or any other resolution or ordinance concerning use of the city of Bull Shoals Park Facilities will be fined a maximum of Fifty Dollars (\$50.00) per day, per incident. (Ord. No. 2003-15, Sec. 2.)

CHAPTER 12.12

PARK NAMES

Sections:

12.12.01 Names

12.12.01 Names

Ord. No. 2009-08 Be it known that Bull Shoals City Park shall be officially named “Roy Danuser City Park.”

TITLE 13

PLANNING

Chapters:

- 13.04 Planning Commission
- 13.08 Flood Damage Prevention Program

CHAPTER 13.04

PLANNING COMMISSION

Sections:

- 13.04.01 Commission created
- 13.04.02 Appointment of Commissioners
- 13.04.03 Meetings
- 13.04.04 Authority and jurisdiction

13.04.01 Commission created The legislative body of the city has hereby created a Planning Commission to be known, cited, and referred to as the Commission of the city. (Ord. No. 2001-3, Ch. II, Art 2-1.)

13.04.02 Appointment of Commissioners

- A. The Commission of the city shall consist of at least five (5) members who shall serve without compensation.
- B. The Commission shall have all the duties and functions authorized by Arkansas Statute Act 186 of 1957, as amended.
- C. Not more than one-third of its members (also called Commissioners) may hold any other municipal office or appointment, except membership on the Board of Zoning Adjustment or joint planning agency.
- D. The members of Commission shall be named and appointed by the Mayor of the city. The appointments shall be valid and effective upon confirmation by the Council of city.

- E. Each member (Commissioner) will serve a term of five years.
- F. The Mayor, if deemed necessary, may dismiss any Commissioner who misses more than three (3) consecutive regular meetings of the Commission.
- G. Current members of the Commission appointed by the Mayor and confirmed by the Council of the city prior to the effective date of this ordinance shall remain members of the Commission until their term of office expires or the members are dismissed by the Mayor.
- H. When the term of a Commissioner expires or a vacancy occurs, the Mayor of city shall make a nomination to fill such vacancy subject to the approval of the Council of the city. (Ord. No. 2001-3, Ch. II, Art. 2-2.)

13.04.03 Meetings

- A. The regularly scheduled meetings of the Commission will be held on the fourth Wednesday of the month. The Commission shall convene a minimum of one (1) meeting in each quarter of each calendar year.
- B. A quorum shall consist of a minimum of two-thirds (2/3) of the entire membership of the Commission.
- C. Order of business shall be in accordance with the rules established by the Commission.
- D. All plans, appeals, amendments, recommendations, variances and reports shall require a majority vote of two-third (2/3) of the entire membership of the Commission to pass in accordance with A.C.A. 14-56-4225. (Ord. No. 2001-3, Ch II, Art 2-3.)

13.04.04 Authority and jurisdiction

- A. The Commission shall review and update the Plan's text and maps adopted June 1972;
- B. The Commission shall hear and decide matters upon which it is required to pass under this ordinance;
- C. The Commission shall receive and review all applications for approval of non-listed uses, and report facts and findings, and make recommendations to the Council of the city. (Ord. No. 2001-3, Ch. II, Art 2/3.)
- D. That the planning jurisdiction of the City of Bull Shoals shall be amended to be bounded by Bull Shoals Lake, the White River and otherwise extending one mile from the corporate boundaries of the City of Bull Shoals. A copy of the planning jurisdiction map is attached and incorporated by reference. (Ord. No. 2014-6, Sec. 2).

CHAPTER 13.08

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

- 13.08.01 Flood Plan adopted by reference
- 13.08.02 Fine

13.08.01 Code adopted There is hereby adopted by reference a flood damage prevention code for Bull Shoals, Arkansas, such flood damage prevention code having been delegated by the legislature of the state of Arkansas and set forth in A.C.A. 14-268-101 - 14-268-105 (Act 629 of 1969). A copy of the referenced code shall be filed in the office of the City Recorder and shall be available for inspection and copying by any person during normal office hours. The code shall include:

- ARTICLE 1. Statutory authorization, findings of fact, purpose and methods
- ARTICLE 2. Definitions
- ARTICLE 3. General provisions
- ARTICLE 4. Administration
- ARTICLE 5. Provisions for flood hazard reduction

(Ord. No. 93-16, Sec. 1.)

13.08.02 Fine Any person or corporation who violates any measure adopted under this Code may be fined not more than One Hundred Dollars (\$100.00) for each offense. Each day during which such violation exists is a separate offense. (Ord. No. 93-16, Sec. 2.)

TITLE 14

ZONING

Chapters:

- 14.04 Comprehensive Development Plan
- 14.08 Zoning Ordinance Adopted
- 14.12 Sign Regulation
- 14.16 Rezoning, Annexation, and Vacating Streets

CHAPTER 14.04

COMPREHENSIVE DEVELOPMENT PLAN

Sections:

- 14.04.01 City development
- 14.04.02 Residential development
- 14.04.03 Continuing responsibility
- 14.04.04 Amendments
- 14.04.05 Special use of property
- 14.04.06 Written report
- 14.04.07 Use permit denied
- 14.04.08 Variance

14.04.01 City development The Comprehensive Development Plan for Bull Shoals, Arkansas, represents the official statement of the city regarding its objectives, policies and ambitions with respect to its present and future physical development. (Ord. No. 122, Sec. 1.)

14.04.02 Residential development The Comprehensive Development Plan for Bull Shoals, Arkansas, represents the official statement of the city in promoting residential, commercial and recreational development which is safe, convenient and attractive thus creating a healthful environment. (Ord. No. 122, Sec. 2.)

14.04.03 Continuing responsibility The city of Bull Shoals, Arkansas, will assume continuing responsibility for periodic review of the Comprehensive Development Plan for the city. (Ord. No. 122, Sec. 3.)

14.04.04 Amendments That Ord. No. 122 shall be amended by the addition to Chapter III, Section 2, page A-9 of the Comprehensive Development Plan for Bull Shoals, Arkansas, of subsection a, Central Business District (C-1). (Ord. No. 122-A, Sec. 1.)

14.04.05 Special use of property That the City Clerk of Bull Shoals shall not issue any permit for special use of any property in any zoning district within the city of Bull Shoals unless and until there has been filed a written application with payment of fee as provided in Fee Ordinance 98-5 and is accompanied by such plans and recent survey by a certified Arkansas surveyor or an engineer registered in Arkansas and/or such information that shall show adequate evidence that the proposed special use will conform to standards set forth in Planning and Zoning Ordinance 2001-3. No permit for special use shall be issued by the Clerk unless the City Council shall find that:

- A. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger, the public health, safety, comfort and general welfare.
- B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- C. The special use will not substantially diminish and impair property values in the neighborhood.
- D. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- E. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
- F. Adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- G. The Commission (Board) may also stipulate any conditions and/or restrictions upon the establishment, location, construction, maintenance, design and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above.
- H. In all cases in which special uses are recommended, the Commission (Board) may require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are and will be in compliance. (Ord. No. 91-4, Sec. 1.)

14.04.06 Written report The City Council shall not act upon a proposed special use permit until it shall receive a written report and recommendation from the Planning and Zoning Commission of the city on the proposed special use, and the City Council may grant or deny by ordinance or resolution any application for a special use, if same does not comply with all of the standards hereinbefore set out. If the City Council grants the special use permit, the terms of relief granted shall be set forth in the ordinance or resolution as a conclusion. (Ord. No. 91-4, Sec. 2.)

14.04.07 Use permit denied The City Council may grant or deny a special use permit only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations and the standards set forth including but not limited to Article 06.01.04. (Ord. No 91-4, Sec. 3.)

14.04.08 Variance The City Council shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with Arkansas Act 186 of 1957 as amended. (Ord. No. 91-4, Sec. 4.)

CHAPTER 14.08

ZONING ORDINANCE ADOPTED

Sections:

14.08.01	Definitions
14.08.02	Classification of districts
14.08.03	Use and area districts
14.08.04	General provisions applying to all or several districts
14.08.05	Non-conforming buildings, structures and uses of land
14.08.06	Board of Zoning Adjustment
14.08.07	Amendments

14.08.01 Definitions Certain words and phrases shall for the purpose of this ordinance have the following meaning:

Accessory structure – A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises. Where an accessory structure is attached to the principal structure in a substantial manner as by a roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be educational buildings of a church, with the sanctuary being the principal structure.

Accessory use – A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed accessory use.

Alley – A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting the street, and which may be used for public utility purposes.

Apartment house – See dwelling, multiple family.

Area – The amount of land surface in a lot or parcel of land.

Area requirements – The yard, lot area, width of lot, and parking requirements set forth in a specific district in this ordinance.

Building – Any structure intended for shelter, housing, or enclosure for persons or animals. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building coverage – The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Building height – The vertical distance from the average line of the highest to lowest point of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building line - The line of that face of the building nearest the front of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, main or principal – A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

Building Official – A person appointed by the Mayor and approved by the City Council of Bull Shoals to inspect construction or other uses for compliance or non-compliance with these regulations, and referred herein as the Building Inspector.

Child Care Center – Any place, home or institution which receives five (5) or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this state, custody of children fixed by a court

of competent jurisdiction, children related by blood or marriage within the third degree to the custodial parent person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

Comprehensive development plan – An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan.

Corner yard and/or corner yard visibility – A corner yard shall have extra width to permit appropriate building setback from and orientation to both streets. On a corner lot, within the area formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a minimum distance of 20 feet (unless otherwise specified) from their intersection; there shall be no obstruction to vision between a height of two feet and height of ten feet above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants, street lighting poles and associated appurtenances hereto shall be permitted within this area.

District, zoning – Any section, sections or divisions of the city of Bull Shoals for which regulations governing the use of land, density, bulk, height and coverage of buildings, and other structures are uniform.

Dwelling – Any building or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, condominium, town house, row house – Two (2) or more dwelling units attached at the sides, each of which has a separate outdoor entrance and is designed to be occupied by one (1) family.

Dwelling, single-family – A detached dwelling designed to be occupied by one (1) family.

Dwelling, two-family – A detached dwelling designed to be occupied by two (2) families living independently of each other.

Dwelling, multiple – A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

Family – One (1) or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or a similar dwelling for group use.

Fences and walls – Any man-made structure, partition, or enclosure of wood, iron, or material enclosing or dividing a piece of land.

Frontage – The length of a front lot line or lines.

Garage apartment – A dwelling unit for one family erected above a private garage.

Gasoline service or filling station – Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair.

Home occupation – Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising signs. Home occupations shall include repair and service facilities where no noise, glare, smoke, or fumes are produced which would interfere with the quiet use of nearby residential properties.

Hotel – A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage, or buildings where persons are housed under restraint.

Kennel – Any lot or premises on which are kept domesticated animals for commercial purposes.

Lot – Any parcel of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance and other laws or ordinances, and having its principal frontage on a street.

Lot are – A horizontal area included in the lot.

Lot, corner – A lot abutting upon two (2) or more streets at their intersection.

Lot, double frontage – A lot which is an interior lot extending from one (1) street to another and abutting a street at two (2) ends.

Lot lines – The lines bordering a lot as defined herein.

Lot line, front – In the case of an interior lot, the line separating said lot from the street which is designed as the front street in the request for a building permit.

Lot line, rear – The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot line, side – Any lot line other than the front or rear lot line as defined herein.

Lot of record – A lot or parcel of land, the deed of which has been recorded in the office of the county recorder, prior to passage of this ordinance, including property described as metes and bounds.

Lot width – The width of a lot measured at the front building setback line.

Manufactured home – A residential dwelling built in accordance with the Federal Manufactured Homes Construction and Safety Standards. Manufactured homes are further classified either (1) single section, or (2) multi-section. Further, all manufactured homes installed after the passage of this text amendment shall comply with all state and federal laws and regulations concerning permanent foundation systems and other health and safety issues. Skirting is recommended. (Ord. No. 2010-4, Sec. 1.)

Medical facility

- A. **Convalescent, rest, or nursing home** – A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. **Dental clinic or medical clinic** – A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.
- C. **Offices for dentists, doctors, optometrists, osteopaths, and chiropractors** – The same as dental or medical clinic.
- D. **Hospital** – An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.
- E. **Public Health Center** – A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.
- F. **Sanitorium** – An institution providing health facilities for in-patient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

Modular home – A single-family dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction Safety Standards.

Mobile home – A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any state definitions.

Motels/inns – An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons and intended primarily for automobile transients.

Non-conforming structure – A lawfully constructed building or structure which does not conform to the regulations of the district in which it is located.

Non-conforming use – A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

Open space – Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portions of structures whatever.

Parking space – An area a minimum of 250 square feet of usable and accessible space which is designated for parking of an automotive vehicle.

Place of public assembly – A meeting place for more than 35 persons to which the public or membership groups are assembled regularly or occasionally, included but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Principal structure – A structure in which a principal use of the lot on which the structure is located is conducted.

Principal use - The chief or main recognized use of a structure or of land.

Property line – The line bounding a lot as defined herein.

Public utility – Any person, firm, corporation, municipal department, or board, duly authorized to furnish, and furnish under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water or sanitary sewage.

Resort use – A dwelling or lodging unit or units designed for occupancy by transient tourists and vacationers together with facilities which constitute a place to which people go that provided lodging, food, beverages, rest and recreational activities areas; all utilities shall be in compliance with existing codes and ordinances.

Site Plan Review – The process whereby local officials, usually the Commission and staff, review the site plan of a development to assure that they meet the stated purposes and standards of zoning and other regulations, provide for the necessary public facilities such as roads and schools, and protect and preserve desirable features and adjacent properties through appropriate location of structures and the use of landscaping. Site plan review is usually required in connection with many flexible land use regulation techniques. The process often allows considerable discretion to be exercised by local officials since it may deal with hard-to-define aesthetic and design considerations.

Standards – While often used loosely to refer to all requirements in the Zoning Ordinance, the term usually is used to mean site design regulations such as lot area, height limits, frontage landscaping, yards, and floor area ratio as distinguished from use regulations.

Statement of Compliance – The manufacturer, dealer and/or of manufactured housing is certified by the Arkansas Manufactured Home Commission and will comply with the Arkansas Manufactured Home Commission.

Story – That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there being no floor above it, then the space between the floor and the ceiling next above it.

Story, half – A space under a sloping roof which has a line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

Street – Any public or private thoroughfare which affords the principal means of access to abutting property.

Street, intersection – Any street which joins another street at an angle, whether or not it crosses the other.

Structure – Anything constructed or erected, the use of which requires location attached on the ground or which is attached to something having a location on the ground.

Trailer, travel recreational (RV) – The recreational travel trailer unit is an independent temporary single-dwelling unit on a chassis designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Said unit may be self-propelled or towed behind a vehicle without a special permit required.

Travel Trailer Park – A unified development under private or public ownership designed primarily for transient service, on which travel trailers, pick-up coaches, and self-propelled motorized vehicles are parked or situated for 30 days or less.

Use of land – The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized as open storage.

Yard – An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, front – A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main (principal) building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimensions.

Yard, rear – A yard extending across the rear of the lot between the side lot lines and measured between the rear lot lines in the rear of the main (principal) building or any projection other than steps.

Yard, side – A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main (principal) building or any projection thereof. The roof eaves shall be considered a projection.

Zero lot line – A development approach in which a building is sited on one or more lot lines with no yard; conceivably, three (3) or four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot between building, especially in urban areas with high density and small lots.

Zoning lot – A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be built upon a unit under single ownership. A zoning lot may consist of any standard lot or a combination of lot and any legally recorded portion of a lot that existed prior to passage of this ordinance. When determining the front, rear, and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot. (Ord. No. 2001-3, Ch. I, Art 1-1.)

14.08.02 Classification of districts For the purpose of promoting the public health, safety, morals, and general welfare of the community, the city of Bull Shoals, Arkansas, is hereby divided into the following types of districts:

- R-1 Single Family Residential
- R-2 Manufactured Housing/Two Family Residential

- R-3 Multi-Family and Multi-Clustered Residential
- R-4 Manufactured Home Parks
- C-1 Commercial Central Business District
- C-2 Commercial Highway District
- C-3 Commercial Transitional District
- C-4 Commercial Resorts in a Residential R-1 District
- I-1 Limited Industrial District
(Ord. No. 2001-3, Ch. III, Art. 3-1.)

Boundary of districts

- A. Establishment of zoning districts boundaries The boundaries of the zoning districts are hereby established as shown on the map entitled Zoning District Map of Bull Shoals, Arkansas, which is a part of this ordinance and which is on file at City Hall.
- B. Interpretation of district boundaries
 - 1. Where district boundaries are indicated as approximately following the center lines of streets or highways, said street lines shall be construed to be such.
 - 2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - 4. Boundaries indicated as approximately following alleys shall be construed as following alleys.
 - 5. When the street or property layout existing on the ground is at variance with that shown on the Zoning District Map or with other requirements of this ordinance, the Board of Adjustment shall interpret the boundaries.
 - 6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Adjustment.
(Ord. No. 2001-3, Ch. III, Art. 3-2.)

14.08.03 Use and area districts

Single Family Residential (R-1) This district is intended to include the quiet residential neighborhoods characterized by single-family homes on large lots, excluding manufactured housing, plus certain areas where similar residential development is likely to occur. This is the most restrictive residential district. The principal use of land is for detached single-family dwellings, and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

A. Permitted Uses

1. Single family dwelling, detached.
2. Public parks, playgrounds, and other municipal recreational uses.
3. Public schools and private schools offering general education courses.
4. Parking lots used to service uses permitted in the district.
5. Public services facilities and utilities.
6. Post offices.
7. Home occupation as defined in Art. 1-1.
8. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be on the same lot with the principal building.
9. Churches

B. Conditional Uses The following are permitted upon review of the Planning Commission in accordance with the provisions of Art. 5-14.

1. Parks
2. Telecommunication towers.

C. Minimum Gross Living Area The minimum gross living area shall be 925 square feet on the first story level, exclusive of porches and garages.

D. Accessory Uses

1. As permitted with Art. 5-10.
2. Fences as permitted in accordance with Art. 5-12.

E. Minimum Lot Requirements Minimum lot requirements shall be in accordance with Appendix II.

F. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.
2. The corner side yard shall be in accordance with Appendix II.
3. The rear yard from the rear lot line shall be in accordance with Appendix II.

G. Height Family dwelling units structure height shall not exceed 2 ½ stories or 35 ft. in height, whichever is lower. Detached garages and carports shall not exceed 15 ft. in height. (Ord. No. 2001-3, Ch. IV, Art. 4-1.)

Residential Use District (R-2) This district is intended for residential neighborhoods characterized by residential dwellings containing suitable lot area for single-family, two-family, and single –family manufactured housing.

A. Permitted Uses

1. Any use permitted in R-1 Residential District.
2. Two-family dwellings contained in one structure.
3. Single-family manufactured housing.
4. Accessory structures and uses pertinent to the principal structure and use.

B. Conditional Uses Any conditional use permitted in the R-1 Residential District may be allowed upon review and approval by the Planning Commission. Applications for conditional uses shall be made in accordance to the provisions of Art. 5-14.

C. Standards of Installation Standards of installation shall be as required in Art. 4-4, paragraph C.

D. Minimum Gross Living Area The minimum gross living area for single family dwelling structures shall be 925 sq. ft. exclusive of porches and garages. The minimum gross living area of each family unit of two-family dwellings contained in one structure shall be 720 sq. ft. exclusive of porches and garages. The minimum gross living area for single-family manufactured housing shall be 720 sq. ft.

E. Accessory Uses

1. As permitted with Art. 5-10.
2. Fences as permitted in accordance with Art. 5-12.

F. Minimum Lot Requirements Minimum lot requirements shall be in accordance with Appendix II.

G. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.
2. The corner side yard shall be in accordance with Appendix II.
3. The rear yard from the rear lot line shall be in accordance with Appendix II.

H. Height Family dwelling units structure height shall not exceed 2 ½ stories or 35 ft. in height, whichever is lower. Detached garages and carports shall not exceed 15 ft. in height. (Ord. No. 2001-3, Ch. IV, Art. 4-2.)

Residential Use District (R-3) This district is intended to permit diversification in the location of residential structures that are classified as multi-family dwelling structures, one (1) and two (2) stories in height, multi-clustered dwellings constructed on a zero lot line. The following regulations and requirements will permit the construction of low cost private housing of good standards and quality.

It is further intended that all multi-family developments will incorporate a reasonable amount of open space for recreational amenities and will provide for the preservation of natural amenities such as vegetation, flood plains, wild life and topography.

Not less than 40 percent of the lot area must be retained as unobstructed open space. All structure groups shall abut or have access to a dedicated street and must be so arranged that any dwelling unit is accessible to emergency vehicles.

A. Permitted Uses

1. Any use permitted in an R-1 or R-2 residential district, with the exception of single family manufactured housing, which shall not be permitted.
2. Multi-family dwelling structures.
3. Multi-family clustered dwelling units constructed on a zero lot line.

B. Conditional Uses All conditional uses are permitted in the R-1 and R-2 residential districts upon review and approval of the Planning Commission in accordance with the provisions of Art. 5-14.

C. Minimum Gross Living Area The minimum gross living area shall be 720 sq. ft., exclusive of porches and garages.

D. Accessory Uses

1. As permitted with Art. 5-10.
2. Fences as permitted in accordance with Art. 5-12.

- E. Minimum Lot Requirements Minimum lot requirements shall be in accordance with Appendix II.
- F. Minimum Yard Requirements
 - 1. The front yard shall be in accordance with Appendix II.
 - 2. The corner side yard shall be in accordance with Appendix II.
 - 3. The rear yard from the rear lot line shall be in accordance with Appendix II.
- G. Height Multi-family dwelling units structure height shall not exceed 2 ½ stories or 35 ft. in height, whichever is lower. Detached garages and carports shall not exceed 15 ft. in height. (Ord. No. 2001-3, Ch. IV, Art. 4-3.)

Manufactured Home Parks (R-4)

- A. Purpose This district is intended for manufactured home dwellings characterized by location of four (4) or more dwelling units, each occupying a manufactured home space, on a plat of ground, commonly called a manufactured home park.
- B. Location
 - 1. Manufactured home parks may be located in the R-4 residential district shall comply with the requirements of this district.
 - 2. Each boundary of the park must be at least 100 feet from any permanent building located outside the park, and separated therefrom by a chain link fence 5 ft. in height attached to a steel or aluminum post set in concrete, or the equivalent thereof in approved screening and/or landscape design as determined by the Commission of the city.
- C. Standards of installation
 - 1. Manufactured home dwellings shall be one (1) dwelling unit per lot and shall be sold by a dealer or manufacturer certified by the Arkansas Manufactured Home Commission as an Arkansas Certified Manufactured Home Manufacturer or dealer, or salesperson licensed by the aforesaid Commission.
 - 2. Manufactured home dwelling shall be installed and/or anchored by persons licensed by the Arkansas Manufactured Home Commission, in accordance with the manufacturer's instructions as approved by the Arkansas Manufactured Home Commission.

3. The manufactured home park plan shall require the issuance of a conditional use permit after the Clerk has received application and fees.
4. Each manufactured home space (single-wide or double-wide) in the manufactured home park shall require the issuance of a building permit after the Clerk has received application and fees.
5. A previously owned (used) independent (single family) manufactured housing may be purchased and installed on a manufactured home space in a manufactured home park provided said dwelling unit conforms to all standards set forth in this article.

D. Manufactured Home Park Plan The Commission shall review all manufactured home park plans prior to issuance of a conditional use permit and said park shall conform to the following requirements.

1. The manufactured home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. Manufactured home spaces for single and multi-unit dwellings shall be provided and clearly defined.
3. Manufactured home parks in existence on the effective date of this ordinance which provide spaces having a front and rear space width or area square footage less herein above prescribed may continue to operate with their existing spaces, but in no event shall any manufactured home space be less than 30 ft. wide (front and rear) and have an area square footage less than 1,500 square feet.
4. Single family manufactured home dwelling units shall be so harbored on each space that there shall be at least a 30 foot clearance, provided, however, that with respect to manufactured home dwelling units parked end-to-end, the end-to-end clearance may be less than 30 feet, but shall not be less than 15 feet. No independent manufactured home dwelling unit shall be located closer than 15 feet to any building within the park.
5. All manufactured home spaces shall abut upon a driveway of not less than 10 feet in width, which shall have unobstructed access to a public street or highway.
6. All driveways and walkways within the park shall be hard surfaced and lighted at night.

7. An electrical outlet of at least 110 volts shall be provided for each manufactured home space.
8. Any single family manufactured home dwelling unit or other permitted building within the manufactured home park shall be at least 50 feet from any park perimeter boundary and this area shall be landscaped with shrubbery and trees.
9. A building permit shall be required for each single family manufactured dwelling unit on each manufactured home space prior to installation.
10. A conditional use permit is required for each manufactured home park plan.

E. Off-Street Parking

1. For each manufactured home dwelling unit occupying a manufactured home space in a manufactured home park, a minimum of one (1) parking space per each manufactured home space shall be provided.
2. For each manufactured home space in a manufactured home park, one additional parking space shall be provided for visitors or other parking requirements. This additional parking may be in a separate area from the manufactured home space.
3. Service entrance and access for emergency vehicles and/or fire lanes shall be determined by the Commission.

F. Supervision The owner, operator, or duly appointed attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.

G. Register of Occupants It shall be the duty of each manufactured home park owner, operator, or duly appointed attendant or caretaker to keep a register containing the record of all owners, tenants, and other occupants of each single family manufactured home dwelling unit occupying a manufactured home space in aforementioned parks. The regulations below shall not apply to visitors. The register shall contain the following information:

1. The name and address of each owner, tenant, or other occupant of each single- family manufactured home dwelling unit and telephone number if applicable.

2. The make, model, year, license number, Department of Housing and Urban Development (HUD) label serial number, and approximate overall size of each single-family manufactured home dwelling occupying a manufactured home space in the aforementioned park.
3. The make, model, year, license number and vehicle identification number of every motor vehicle belonging to every owner, tenant, or other occupant of every single family manufactured home dwelling unit occupying a manufactured home space in aforementioned park.
4. The state, country, territory or possession issuing the aforementioned licenses of independent manufactured home dwelling units and motor vehicles.
5. The date of arrival and/or the date of departure of each single family manufactured home dwelling unit.

H. Manufactured home sales in conjunction with Manufactured Home Park

1. Adequate space may be provided to exhibit models of new and used single family manufactured home dwelling units for sale, lease or rent.
2. Maximum space to be provided shall not exceed the equivalent of four (4) double-wide single-family manufactured home dwelling units.
3. Models exhibited shall be placed on space provided in accordance with provisions set forth in Art. 4-4D – Manufactured home park plan.

I. Other provisions Nothing in Art. 4-4A through Art. 4-4H prohibits the placement of travel recreational trailers (RV) on a manufactured home space in a manufactured home park if all other requirements are satisfied. (Ord. No. 2001-3, Ch. IV, Art. 4-4.)

General Commercial (C-1)

- A. General description This district is intended to encourage shopping centers with planned off-street parking in an attractive and convenient core. No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses. All business or servicing shall be conducted within completely enclosed buildings, and the shopping center shall provide indoors public restroom facilities.

The Commission or Board shall determine if a use, other than uses specifically provided in any commercial district, is a permitted use, conditional permitted use, accessory use or a prohibited use in any district.

B. Uses permitted

1. Retail businesses which supply commodities on premises:

Antique stores	General merchandise
Apparel stores	Grocery stores
Appliance stores	Hardware stores
Book stores	Home furnishings stores
Bakeries	Jewelry stores
Camera stores	Pharmacy/drug stores
Confectionary stores	Sporting goods stores
Delicatessens	Restaurants
Floral shops	Variety stores

2. Business service establishments which perform services on the premises:

Banking institutions	Insurance agencies
Chambers of Commerce	Other financial institutions
Indoor cinema theaters	Real estate offices

3. Personal service establishments which perform services on the premises:

Barber shops	Photography studios
Beauty shops	Shoe repair shops
Dry cleaners	Tailoring shops
Laundromats	

4. Professional office establishments:

Attorneys-at-law offices and other legal services	Physicians offices, clinics and services
Chiropractic offices, clinics and services	Podiatrists offices, clinics and services
Dental offices, clinics and services	Optometrists offices, clinics and services
Medical offices, clinics and services	Opticians offices, clinics and services

5. Public, quasi-public, governmental buildings, facilities, and utilities:

Churches	Municipal buildings
Community buildings	Nursing homes, congregate care
Libraries	Police department

6. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility.

C. Accessory Uses

1. As permitted in accordance with Art. 5-10.
2. Fences as permitted in accordance with Art. 5-12.

D. Conditional Uses Other proposed business and commercial uses may be reviewed by the Planning commission as conditional uses if deemed not in violation of the spirit of the C-1 zone. (Ord. No. 2014-01, Sec. 1.)

E. Temporary Uses As permitted in accordance with Art. 5-2.

F. Minimum Lot Requirements Minimum lot requirements shall be in accordance with Appendix II.

G. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.
2. The corner side yard shall be in accordance with Appendix II.
3. The minimum interior side yard shall be 10 ft. on each side of the interior lot line, or if the structure abuts another structure, a 4 hour fire wall; exterior side yard shall be 10 ft.
4. The rear yard from the rear lot line shall be in accordance with Appendix II.
5. All structures shall be built at least 25 ft. from all property lines abutting a residential zone (R-1, R-2, R-3, R-4)

H. Height Structure height shall not exceed 2 ½ stories or 35 ft. in height, whichever is lower.

I. Off-Street Parking Provisions for one off-street parking space for each 180 sq. ft. of floor area ratio is required, and shall be a paved-concrete surface and shall be striped to mark the parking spaces.

J. Off-Street Loading and Unloading Loading and unloading shall be provided so as not to block any public right-of-way.

K. Access Requirements

1. On all commercial lots with less than 200 ft. of frontage on a public street road access is limited to one combined ingress and egress, with a

minimum width of 20 ft. and a maximum width of 32 ft. measured from the inside curbs at the property line.

2. On all C-1 commercial lots of 200 ft. and over fronting on a public street road, access is limited to two combined ingresses and egresses, with a minimum width of 20 ft. and a maximum width of 32 ft. measured from the inside curbs at the property line.
3. Ingress and egress shall meet all state and city requirements.

L. Screening Requirements Where a C-1 commercial central business district use abuts, or is across the street from, a residential district (R-1, R-2, R-3 or R-4) district, adequate landscaping, fencing or other appropriate screening is required.

M. Curbs and Storm Drainage Requirements

1. If constructed, entrance curbs and storm drainage (culverts or other provision) on all street frontages shall meet all standards and ordinances of the city. (See Master Street Plan and Subdivision Regulations)
2. If constructed, curbs abutting Central Boulevard shall be in accordance with Appendix II.
3. If constructed, secondary curbs shall be in accordance with Appendix II.

N. Signs All signs shall be in accordance with the city's adopted Sign Ordinance.

O. C-1 Sidewalks If constructed, sidewalks abutting Central Boulevard shall be in accordance with Appendix II. Sidewalks on side streets shall begin at the property line and be a minimum of four feet wide. All sidewalks shall be constructed at the property owner's expense and shall conform to all adjoining property on both sides (Subdivision Regulations). (Ord. No. 2001-3, Ch. IV, Art. 4-6.)

Commercial Highway District (C-2)

A. General Description This district is intended for those businesses which provide convenient shopping and services for residents, tourist and nearby towns. Other businesses and commercial uses that contribute to the economic well being of the city may be allowed by conditional use after review by the Planning Commission. The CO commercial highway district is located along the primary and secondary thoroughfares of the City. Adequately sized parcels of land shall allow for large setbacks, clear vision, and safe ingress and egress from off street parking lots, with sufficient area for loading and unloading so as not to block traffic. No land shall be used or occupied except as otherwise provided in this ordinance for other

uses than one or more of the permitted and special uses. (Ord. No. 2014-1, Sec. 2.)

B. Permitted Uses

- 1. Any retail business as specified in the C-1 commercial central business district and also:

Automotive sales and service and/or repairs	Mini-storage facilities,
Boat sales and services	Motels
Building sales and services	Vehicular service stations
Liquor stores	Warehousing

- 2. Business service establishments as permitted in C-1 commercial central business district; also

Drive-in restaurants	Plumbing services and supplies
Electrical sales, services and supplies	Printing periodicals, other sales/services,
Family recreational facilities	Private clubs, restaurants
Heating and cooling sales and services	private organizations with buildings (e.g., VFW, DAV, Masons, etc.)

- 3. Personal service establishments as permitted in C-1 commercial central business district, and also funeral homes in accordance with state and federal statutes;

- 4. Professional office establishments as permitted in C-1 commercial central business district;

- a. Veterinary clinics operated by a duly licensed doctor of veterinary medicine (DVM), and
- b. Taxidermists

- 5. Public, quasi-public, governmental buildings and facilities as permitted in C-1 commercial central business district.

- 6. Public utility facilities.

- 7. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility.

8. Single family residential dwellings, except that new construction as well as additions, renovations and/or repairs to existing single family residential dwellings shall be required to meet the minimum lot size requirements and minimum yard requirements regulations of the C-2 Commercial Highway District. Construction regulations and off-street parking shall be in accordance with provisions of the R-1 Single-Family Residential District.
9. General assembly. (Ord. No. 2016-06, Sec. 1.)

C. C-2 Accessory Uses

1. As permitted in accordance with Article 5-10.
2. Fences as permitted in accordance with Art. 5-12.

D. C-2 Permitted Conditional Uses

1. Any conditional use as permitted in C-1 commercial central business district.
2. Other conditional uses permitted in C-2 commercial highway district are:
 Cemeteries and mausoleums in accordance with federal and state statutes;
 Country clubs, golf courses and driving ranges;
 Hospitals;
 Manufactured home parks;
 Travel trailer parks;
 Nursery retail and wholesale stock sales;
 Radio broadcasting stations and radio towers;
 Residence of a proprietor of a C-2 commercial highway use; and
 Taxicab or bus service, and other such businesses.
 Sexually oriented businesses as specified by city ordinance.
 Other proposed business and commercial uses may be reviewed by the Planning Commission as conditional uses if deemed not in violation of the spirit of the C-2 zone. (Ord. No. 2014-1, Sec. 3.)

E. C-2 Temporary uses Any temporary use in accordance with Art. 5-2

F. C-2 Minimum Lot Size Requirements Minimum lot size requirements shall be in accordance with Appendix II.

G. C-2 Minimum Yard Requirements Minimum yard requirements shall be in accordance with C-1 commercial central business district, except cemeteries and mausoleums which shall be in compliance with federal and state statutes.

H. Height Regulations Height regulations shall be in accordance with the C-1 commercial central business district.

I. Off-Street Parking Off-street parking shall be in accordance with C-1 commercial central business district.

- J. Off-Street Loading and Unloading Off-street loading and unloading shall be in accordance with C-1 commercial central business district.
- K. C-2 Access Requirements Access requirements shall be in accordance with C-1 commercial central business district.
- L. C-2 Screening Requirements Screening requirements shall be in accordance with C-1 commercial central business district.
- M. C-2 Signs Signs shall be in accordance with the sign ordinance. (Ord. No. 2001-3, Ch. IV, Art. 4-6.)

Commercial Transitional District (C-3)

- A. General Description This district is intended to provide land and structures used primarily for commercial office space that conforms with the surrounding districts. It is characterized by low intensity, campus-type developments that are quiet businesses, with buffers of screening of fencing, heavily landscaped, limited signage and a low volume of traffic, so as to protect abutting and adjacent residential districts.

No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

- B. C-3 Permitted Uses

- 1. Personal and professional businesses which perform services on the premises:

Attorney at law offices	Dental offices and clinics
Barber and/or beauty shops	Optometrists offices
Certified public accountant and other bookkeeping offices and services	Opticians clinics
Chambers of Commerce offices	Physician and other medical offices, clinics, and services,
Chiropractic offices	Podiatrists
	Real estate offices

- 2. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility.

- 3. Public utility facilities and structures in accordance with Art. 1-1.53.

4. Single-family residential dwellings, except that new construction as well as additions, renovations and/or repairs to existing single-family residential dwellings shall be required to meet the minimum lot size requirements and minimum yard requirements regulations of the C-3 Commercial transitional district. Height regulations and off-street parking shall be in accordance with provisions of the R-1 Single-family residential district.

C. C-3 Accessory Uses

1. As permitted in accordance with Article 5-10.
2. Fences as permitted in accordance with Art. 5-12.

D. C-3 Permitted Conditional Uses The residence of the proprietor of a C-3 commercial transitional district.

E. C-3 Temporary Uses Any temporary use in accordance with Art. 5-2

F. C-3 Minimum Lot Size Requirements Minimum lot size requirements shall be in accordance with Appendix II.

G. C-3 Minimum Yard Requirements Minimum yard requirements shall be in accordance with C-1 commercial central business district.

H. C-3 Height Regulations Height regulations shall be in accordance with the C-1 commercial central business district.

I. C-3 Off-Street Parking Off-street parking shall be in accordance with C-1 commercial central business district.

J. C-3 Off-Street Loading and Unloading Off-street loading and unloading shall be in accordance with C-1 commercial central business district.

K. C-3 Access Requirements Access requirements shall be in accordance with C-1 commercial central business district.

L. C-3 Screening Requirements Screening requirements shall be in accordance with C-1 commercial central business district.

M. C-3 Signs Signs shall be in accordance with the sign ordinance. (Ord. No. 2001-3, Ch. IV, Art. 4-7.)

Commercial Resorts in a Residential R-1 District (C-4)

- A. General Description This district is intended to provide for resorts presently operating in a residential district. It is also the intent of this ordinance to allow these resorts to remain commercial, but they shall not be permitted to alter or extend to a non-resort use such as multi-family.

If the resort ceases as a tourist resort, or is rebuilt for a different use other than a resort, the land and structures shall revert to any applicable residential district after a public hearing by the Commission to determine the question-of-fact and referring a re-zoning recommendation to the Council of the city.

B. C-4 Permitted Uses

1. Tourist accommodations
2. All public service utility facilities and structures.

C. C-4 Accessory Uses

1. As permitted in accordance with Article 5-10.
2. Fences as permitted in accordance with Art. 5-12.

- D. C-4 Permitted Special Uses The residence of the proprietor of a C-4 commercial resort in a R-1 residential district.

- E. C-4 Temporary Uses Any temporary use in accordance with Art. 5-2

- F. C-4 Home Occupations Home occupations as defined in Art. 1-1.27.

- G. C-4 Signs Signs shall be in accordance with the Sign Ordinance.

- H. C-4 Off-Street Parking Parking space shall be provided on-lot for all vehicles; no on-lot parking shall block any public right-of-way. (Ord. No. 2001-3, Ch. IV, Art. 4-8.)

Limited Industrial District (I-1)

- A. General Description This district is intended to provide manufacturing activities that are prohibited in commercial zones. It is intended for the sale and storage of bulk materials: All limited industrial uses, operations and storage must be in enclosed buildings. It is set up to protect adjacent districts from noise, dust, odor, vibrations and pollution detrimental to the health, safety and general welfare of the people.

B. Permitted Uses

1. Manufacturing and industrial activities including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging and storage (warehousing) of materials, products and goods that can be conducted wholly within enclosed buildings;
2. Storage (warehousing) of bulk materials when it is found by the building official that there is no danger of fire or explosion. No outdoor storage shall be permitted;
3. Direct selling establishments where products are stored (warehousing) and distributed, but not displayed for retail sales;
4. Public, quasi-public and governmental buildings and facilities;
5. Public utility facilities and structures
6. Essential service station regulator stations, telephone exchanges, electric substations, sewage disposal plants, well site;
7. Public services or municipal garages;
8. Water filtration plant;
9. Water storage reservoir.
10. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility. Automobile junk/salvage yards and other junk or salvage yards shall require a conditional use permit.

C. I-1 Prohibited Uses Residential structures are prohibited in the I-1 limited industrial district. No structure shall be constructed or altered for residential use, i.e., proprietor of a I-1 limited industrial district is prohibited.

D. I-1 Accessory Uses

1. As permitted in accordance with Article 5-10.
2. Fences as permitted in accordance with Art. 5-12.

E. I-1 Temporary Uses Any temporary use in accordance with Art. 5-2

- F. Minimum Lot Requirements Minimum lot requirements shall be in accordance with Appendix II.
- G. I-1 Minimum Yard Requirements
 - 1. From the front property line there shall be in accordance with Appendix II.
 - 2. The first 25 ft. of the setback immediately adjacent to the front property line shall be devoted to grass, tree, and low living landscape materials, and a means of ingress and egress. The second 25 ft. shall be used for parking and display of goods for sale to be stored inside buildings after business hours (6.p.m.)
 - 3. All structures shall have a side yard setback shall be in accordance with Appendix II.
 - 4. All structures shall have a minimum rear yard of 30 ft. from the rear lot line.
 - 5. All structures lying on a corner lot shall have a corner side yard of 50 ft.
- H. I-1 Height Construction regulations shall be in accordance with the C-1 commercial central business district. The Board of Zoning Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.
- I. I-1 Off-Street Parking Adequate on-lot parking space shall be provided for employees
- J. I-1 Off-Street Loading and Unloading Each structure or use shall provide off-street loading and unloading facilities which shall not block a street, alley, or other public right-of-ways.
- K. I-1 Screening Requirements Screening requirements shall be in accordance with the C-1 commercial central business district.
- L. I-1 Signs All signs shall be in accordance with the city's adopted Sign Ordinance. (Ord. No. 2001-3, Ch IV, Art. 4-9.)

14.01.04 General provisions applying to all or several districts

Annexation All land which may hereafter be annexed to the city shall be classified in the R-1 residential district.

- A. When land is automatically classified in the R-1 residential district pursuant to this section the Commission of the city shall, within 90 days after annexation, schedule and hold a public hearing with respect to zoning classification of the annexed land.

- B. Prior to the Council action on the zoning recommendation, all permits for construction on lands not zoned shall be forwarded to the aforementioned Commission for recommended issuance of said permit. The Council will issue final approval after the Commission has reviewed all plans to see that they meet the requirements of the zone classification pending.
- C. A question-of-face shall be determined by the Commission, which will send the district classification recommendation to the Council for its final decision. (Ord. No. 2001-3, Ch. V, Art. 5-1.)

Permits for temporary non-conforming uses Upon application to the Board of Zoning Adjustment, permits may be issued for temporary uses such as: the sale of produce in season; bazaars and carnivals; and offices, signs or other uses necessary for the sale or construction of property or buildings. Permits so issued shall be subject to such limitations as the Board of Zoning Adjustment may impose to protect the character of the district or districts affected. (Ord. No. 2001-3, Ch. V, Art. 5-2.)

Completion of existing buildings

- A. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of this ordinance.
- B. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this ordinance, provided construction is started on said buildings within 120 days after adoption of this ordinance. (Ord. No. 2001-3, Ch. V, Art. 5-3)

Application of regulation to the uses of more restrictive districts

- A. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to conditions set forth in the regulations of the more restrictive district unless otherwise specified.
- B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for non-residential purposes. (Ord. No. 2001-3, Ch V, Art. 5-4.)

Relief from requirements for lot areas, lot width or lot setback in a residential zone On any lot separately owned in a residential zone at the time of passage of this ordinance and retained in continuous separate ownership, a single-family structure or manufactured house may be erected or installed even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other area requirements are met. The

setback of any lot abutting a U.S. government strip (U.S. Army Corps of Engineers) shall not be any less than three feet from said government strip.

Any lot existing and provided for rental of manufactured homes or mobile homes, in which the lot does not meet the minimum design standards for manufactured home parks contained in Article 4-4 shall not be re-occupied as they become vacant. (Ord. No. 2001-3, Ch. V, Art. 5-5)

Areas not to be diminished The lot or yard areas required by this ordinance for a particular building or use at the time of passage of this ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this ordinance. (Ord. No. 2001-3, Ch. V, Art. 5-6.)

Group housing projects In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to individual buildings in such housing project, the application of such requirements to such housing projects may be changed by the Board of Zoning Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher than the standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located. (Ord. No. 2001-3, Ch. V, Art. 5.7)

Off-street automobile and vehicle parking and loading

- A. General Intent and application It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the city of Bull Shoals. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.
- B. Location The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.
- C. Joint parking facilities Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

- D. Size of off-street parking space The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine foot by twenty foot plus adequate area for ingress and egress.
- E. Amount of off-street parking and loading required Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

Dwelling, single-family, or duplex: Two (2) parking spaces for each separate dwelling unit within the structure.

Dwelling, multiple-family: The number of spaces provided shall not be less than one and one-half times the number of units in the dwelling.

Boarding or rooming houses or hotel: One (1) parking space for each two (2) guests provided overnight accommodations.

Hospitals: One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.

Medical or dental clinics or offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.

Sanatoriums, convalescent or nursing homes: One (1) space for each six (6) patient beds plus one space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.

Community center, theater, auditorium, church sanctuary: One (1) parking space for each three (3) seats, based on maximum seating capacity.

Convention hall, lodge, club, library, museum, place of amusement or recreation: One (1) parking space for each 50 sq. ft. of floor area used for assembly or recreation in the building.

Office building: One (1) parking space for each 300 sq. ft. of gross floor area in the building, exclusive of the area used for storage, utilities, and buildings services.

Commercial establishments not otherwise classified: One (1) parking space for each 150 sq. ft. of floor space used for retail trade in the building and including all areas used by the public.

Industrial establishments: Adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered in 1 through 11 above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

- F. Paved surface required All parking spaces shall be hard surface with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use. (Ord. No. 2001-3, Ch. V, Art. 5-8.)

Signs Signs shall be in accordance with the city's adopted Sign Ordinance. (Ord. No. 2001-3, Ch. V, Art. 5-9.)

Permitted accessory uses The permitted accessory uses are as follows:

- A. Private detached garages and carports that shall not exceed the height of the existing structure.
- B. Driveways; a current survey or driven iron pins may be required to determine the boundary of the lot lines.
- C. Storage structures that shall not exceed 10 feet in height, and shall have side and rear yard setbacks of 10 feet.
- D. Swimming pools
- E. Cabanas
- F. Fences in accordance with Article 5-12.
- G. Antenna transmitting and/or receiving towers in accordance with Article 5-13.
- H. Satellite dishes and other signal-receiving or transmitting dishes or plates in accordance with Article 5-13. (Ord. No. 2001-3, Ch. V, Art. 5-10.)

Prohibited accessory uses None of the following shall be considered an accessory to the principal structure:

- A. Manufactured housing
- B. Modular housing
- C. Automobile or other vehicular trailers and/or recreational vehicles.
(Ord. No. 2001-3, Ch. V, Art. 5-11.)

Fences and walls For purposes of this article, a perimeter fence or wall shall not include natural growing shrubs, bushes, and other foliage. A perimeter fence or wall shall be erected on the lot line except when a written agreement and legal signatures of the owners of lots abutting the lot on which the fence is to be located state that another location is acceptable to all said owners of lots.

A. General

1. No fence or wall shall be erected or substantially extended without a building permit and payment of the appropriate fee as set forth by city ordinance.
2. Any fence wall which shall be erected, or in the process of erection, contrary to these provisions herein, is deemed a nuisance and it shall be the duty of the building inspector to abate the same.
3. All structural members of the fences/walls must face the owner of the fence.

B. Classifications of fences/walls are decorative, solid and security or protective:

1. Decorative fences/walls are primarily used for aesthetics which add to visual beauty of the property, excluding woven wire or chain-linked, cyclone type fences. When decorative fences are installed in a front yard, the fence/wall may not exceed 48 inches with its uppermost rail or surface, but not including any posts which shall not exceed 54 inches as its uppermost height.
2. Solid (privacy) fences/walls have 50 percent or more of solid surface area and may be erected in a front yard if said fence is no more than 48 inches in height. Solid (privacy) fences which exceed 48 inches in height shall have a minimum front yard setback equal to the front building line.
3. Security or protective fences/walls in a residential district are used for enclosing the lot or part of a lot for security or protection of property. Residential security or protective fences/walls may not exceed 6 feet in height above ground level; however, no barber wire or barbed wire fences shall be allowed where the property line abuts lots or parcel of land zoned or being use for residential purposes. Woven wire or chain-link fence may be used; however, woven wire or chain-linked fences shall not be erected within the front building line. However, a 4 foot decorative fence may be erected within the first 50 feet of the front building line.

4. Security or protective fences/walls in a commercial or industrial district are used for enclosing the lot or part of a lot for security and protection of property. Fences may not exceed 6 feet in height above ground level. The use of 2 feet of barbed wire on the top part of the fence/wall is allowed; however, no barbed wire or barbed wire fences shall be allowed where the property line abuts lots or parcels of land zoned or being used for residential purposes.
 - a. Fences/walls for commercial or industrial purposes shall not be erected within the area bounded by the front lot line and the front building line. A 4 foot decorative fence/wall may be erected within the area bounded by the front lot line and the front building line. Commercial or industrial fences/walls shall be permitted on side and rear lots or parcels.
 - b. Municipal public utilities, park and school districts, golf courses, and the federal government may erect barbed wire along rails of fences/walls fronting public streets or abutting residential property only with approval by the Council of the city.
- C. No fence wall shall be constructed of materials obviously intended to inflict bodily harm should a person or animal attempt to climb or scale it. Such materials include, but are not limited to, electrically charged wires or other electrical conduits, broken glass, razor blades, or ragged metal spears or spikes. Barbed wire may only be used as authorized in this article.
- D. Fences/walls may be erected on public utility easements only with the permission of the public utility authorities prior to obtaining a building permit. Further, the agency authorized to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.
- E. Fences existing at the time of this ordinance which are not hazardous or in need of structural repair, and not located on public streets, easements or alley right-of-ways, but which violate other sections of this article may continue to be maintained and to exist but may not be replaced if destroyed or removed.
- F. Fences/walls in violation of this article may be summarily removed by the Building Official. (Ord. No. 2001-3, Ch. V, Art. 5-12.)

Satellite Dishes and other devices and related structures Satellite dishes, signal receiving and/or transmitting antennas or other devices, and their supporting structures mounted at a fixed point on the ground shall require a building permit for permanent installation.

- A. Satellite dishes, and other signal receiving and/or transmitting antenna devices and supporting structures:
1. Shall not infringe on any lot line of any property upon which said satellite dishes, signal receiving and/or transmitting antennas or other devices and their supporting structures are located.
 2. Shall not infringe on any lot line when measured from the largest dimension of said satellite dishes, signal receiving and/or transmitting antennas or other devices and their supporting structures.
- B. Permit an application with payment of fee in accordance with a fee schedule as set forth by city ordinance. (Ord. No. 2001-3, Ch. V, Art. 5-13.)

Conditional uses

- A. General Certain uses may or may not be appropriately located within various districts throughout the city due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The uses listed under the various districts herein as "conditional uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses make it desirable that they be permitted to locate therein.
- B. Requirements Required conditional use approvals may be granted by the City Council upon recommendation from the Planning Commission.
- C. Application An application with payment of fee as provided in fees schedules as set by the City Council shall be filed with the Clerk in writing along with the following information:
1. Plans, including proposed parking, professionally drawn to scale and a recent survey by a certified Arkansas surveyor.
 2. A statement in writing by the applicant and adequate evidence showing the proposed special use will conform to the standards set forth hereinafter.
 3. A new survey may be required, if in the opinion of the Building Inspector said survey is necessary for determining compliance with these regulations.

D. Public hearing

1. The Planning Commission shall hold a public hearing on a proposed conditional use permit. Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one time 15 days prior to the hearing. The petitioner shall provide evidence prior to the public hearing that he had notified the owners of all property within 200 feet of the subject property indicating to each the time and place of the public hearing and the specific request. The notice shall be by certified letter and notice of receipts shall be provided to the Planning Commission. Additionally, the petitioner shall post on the property in a conspicuous location one sign which shall notify the general public of the proposed request and the public hearing date.
2. Following the public hearing, the proposed request may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing. The Planning Commission may also attach such conditions to the approval of the conditional use permit as it deems necessary to protect the public health, safety and welfare of the citizens of Bull Shoals.
3. If the Planning Commission disapproves a proposed conditional use permit request, the reasons for such disapproval shall be given in writing to the petitioner within 30 days from the date of the hearing.
4. The City Council, by majority vote of the full Council, may by ordinance approve the recommended conditional use permit submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote of the full Council, amend this ordinance by granting the request for conditional use permit in full or in modified form.
5. Following disapproval of a proposed conditional use permit by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decision are in error. Such appeal shall be filed with the City Clerk within 15 days of the date the petitioner receives reasons for disapproval from the Planning Commission. (Ord. No. 2001-3, Ch. V, Art. 5-14.)

14.08.05 Non-conforming buildings, structures and uses of land

Non-conforming buildings and structures A non-conforming building or structure existing at the time of adoption of this ordinance may be continued, maintained, and repaired, except as otherwise provided in this section.

A. Alteration, enlargement or replacement of buildings and structures

1. A non-conforming building or structure shall not be added to or enlarged or replaced in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located or unless approved by the Planning Commission. If a building or structure is conforming as to use, but non-conforming as to yards or height, or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located or unless approved by the Planning Commission.
2. A manufactured home/mobile home existing in an R-1 Residential or C-2 Commercial District at the time of passage of this article may be replaced or repaired as necessary for health and safety. No existing non-conforming manufactured home/mobile home shall be structurally expanded or enlarged, excluding open porches, screened porches and decks.

B. Outdoor advertising signs and structures Outdoor advertising signs and structures existing at the time this ordinance became effective shall be in accordance with the Sign Ordinance.

C. Building vacancy A building or structure or portion thereof, which is non-conforming as to use, which is or hereafter becomes abandoned and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

When a building becomes vacant, it may be used again for any use allowed in the zone in which it is located. The Planning Commission shall review the proposed use before the building is occupied in order to determine that the use is allowable in the zone.

- D. Change in use A non-conforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or changed except to a conforming use. If such a non-conforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of this ordinance. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restrictive district's classification, but where the use of non-conforming buildings or structures is changed to a use of more restrictive district's classification, it thereafter shall not be changed to a use of a less restricted district's classifications. (Ord. No. 2001-3, Ch. VI, Art. 6-1.)

Non-conforming uses of land

- A. A non-conforming use of land where the aggregate value of all permanent buildings or structures is less than \$1,000.00, existing at the time of the adoption of this ordinance, may be continued for a period of not more than three years therefrom, provided that:
1. Said non-conforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this ordinance.
 2. If said non-conforming use or any portion thereof is discontinued for a period of six months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.
- B. Lots of record that are platted and existing at the time of the adoption of this ordinance shall be deemed to be in compliance with all size and area restrictions of the zone in which they are located. (Ord. No. 2001-3, Ch. VI, Art. 6-2.)

14.08.06 Board of Zoning Adjustment

Board of Zoning Adjustment

- A. A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of five (5) members to be nominated by the Mayor and confirmed by the City Council. Two (2) members of the first Board shall be for

one year, two (2) for two years, one (1) for three years, and thereafter, all members shall be appointed for terms of three years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointments.

- B. Upon appointment and annually thereafter, the Board shall meet, organize, and elect its own chairman who shall serve for one year or until his successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board and who shall hold office until relieved by the Board.. (Ord. No. 2001-3, Ch. VII, Art. 7-1.)

Meetings

- A. Meetings of the Board shall be held at such time and at such place within the city of Bull Shoals as the Board may designate, and may meet at any time on call of the chairman.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - 1. Time, date, and place of meeting.
 - 2. Names of members present.
 - 3. Citation, by number, and description of appeal or application.
 - 4. Pertinent facts of the case.
 - 5. Names of persons appearing and their interest in the case.
 - 6. Record of vote by name.
 - 7. Authority for decision (cite ordinance or statute) and reason for conditions imposed.

The minutes of the meeting shall be filed by the secretary of the Board in the offices of the City Clerk and shall be public record.

- C. Any member of the Board who fails to be in attendance at three (3) consecutive scheduled meetings shall have his appointment declared vacated, and a new member shall be selected as provided in Art. 6-1A. (Ord. No. 2001-3, Ch. VII, Art. 7-2.)

Appeals from a decision of the Building Official The Board shall hear appeals from an administrative decision of the Building Official, who shall be designated by the City Council, concerning interpretation of the zoning ordinance and shall decide whether such interpretation was in error or not. (Ord. No. 2001-3, Ch. VII, Art. 7-3.)

Variance

- A. The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.
- D. The board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property. (Ord. No. 2001-3, Ch. VII, Art. 7-4.)

Other functions of the Board The Board may hear applications and take such action as permitted on matters specifically referred to it under this ordinance. (Ord. No. 2001-3, Ch. VII, Art. 7-5.)

Appeals from decisions of the Board Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board. (Ord. No. 2001-3, Ch. VII, Art. 7-6.)

Notices and fees

- A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application. The said notice shall be published at least once not less than seven days preceding the date of such hearing in an official paper or a paper of general circulation in Bull Shoals. The said notice shall designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists. As an alternative, the Board may allow the applicant to circulate the same information by personal notification to the property owners within 200 feet of the property for which the variance is requested and present proof to the Board that such information was circulated. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible. Additionally, the city shall post on the property in a conspicuous location one (1) sign which shall notify the general public of the proposed request and the public hearing date.
- B. The appellant or applicant shall be required to pay to the City Clerk a filing fee of \$50.00 to cover such other costs as may be incurred in connection with such appeal or application. (Ord. No. 2001-3, Ch. VII, Art. 7-7.)

14.08.07 Amendments

Amendment to text The City Council may suggest that the Planning Commission amend the text of this ordinance or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the City Council for adoption. (Ord. No. 2001-3, Ch. VIII, Art. 8-1.)

Change in zoning classification

- A. A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses. In addition, the petitioner will be required to notify by certified letter or petition, all property owners within 200 feet of his property of his intentions to re-zone within 15 days of the hearing, and the return receipts for the letters shall be entered in the minutes of the public hearing. The petitioner shall state the date and time of the public hearing with a certified letter or petition.
- B. Upon receipt of the petition for an amendment, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
 1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one time fifteen days prior to the hearing. The petitioner shall provide evidence prior to the public hearing that he had notified the owners of all property within 200 feet of the subject property indicating to each the time and place of the public hearing and the specific request. The notice shall be by certified letter and notice of receipts shall be provided to the Planning Commission. Additionally, the city shall post on the property in a conspicuous location one (1) sign which shall notify the general public of the proposed request and the public hearing date.
 2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the full Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.

3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within 30 days from the date of the hearing.
 4. The City Council, by majority vote of the full Council, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote of the full Council, amend this ordinance by granting the request for amendment in full or in modified form.
 5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decision are in error. Such appeal shall be filed with the City Clerk within 15 days of the date the petitioner receives reasons for disapproval from the Planning Commission.
- C. No application for a zoning amendment will be considered by the Planning Commission within 12 months from date of final disapproval of a proposed amendment unless the Commission finds that a substantial reason exists for waiving this limitation.
- D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum of \$50.00 to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council. (Ord. No. 2001-3, Ch. VIII, Art. 8-2.)

Condition use permit

Ord. No. 2003-19 Corner of Highway 178 and Rivercliff Dr.

CHAPTER 14.12

SIGN REGULATION

Sections:

14.12.01	Applicability-effect
14.12.02	Definitions
14.12.03	Sign permit general regulations
14.12.04	Maintenance for all signs
14.12.05	Pre-existing signs
14.12.06	Exemptions (Signs not needing permits)
14.12.07	General regulations
14.12.08	Regulations for specific types of signs
14.12.09	Board of Zoning Adjustment
14.12.010	Penalties

14.12.01 Applicability-effect A sign may be erected placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein, is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones subject to the standards and the permit procedures of this ordinance.
2. To allow certain signs that are small, unobtrusive, and incidental to the principle use of the respective lots on which they are located. These signs shall be subject to the substantive requirements of this ordinance but without requirement for permits.
3. To prohibit all signs not permitted by this ordinance: and to provide for the enforcement of the provisions of this ordinance. (Ord. No. 2013, Sec. 1.)

14.12.02 Definitions For the purpose of this ordinance, the following terms, phrases, words and their definitions shall have the meaning given herein. They had been divided into three groups: (A) types of signs, (B) building terms and (C) other definitions.

A. Types of Signs.

Banner. Any sign or displayed upon cloth of other flexible material, with or without frames.

Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. The term beacon is not intended to include lighting devices which are required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Building marker. Any sign indicating the name of a building, date and incidental information about its construction which sign is cut into a masonry surface or made of bronze or other permanent material.

Directional sign. A sign which directs the reader to any location whether it is public, historical, church or commercial. This sign may contain name of institution, directional arrow, and distance.

Election campaign sign. A sign representing or portraying the name and/or picture of an individual person who is a candidate for election to public office or containing a reference to an issue in an upcoming election such as "vote no on amendment 2" during the election season.

Electronic message board. A changeable copy sign that displays electronic, sometimes pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

Flashing sign. An illuminated sign on which artificial or reflected light is not maintained stationary and constant intensity and color at all times when in use which is used solely to attract attention.

Free standing sign. Sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to a building or any other structure whether portable or stationary.

Fuel price informational sign. A sign which advertises the price of motor vehicle fuel from a pump located on the premises and is attached to the pump. Fuel price signs not located on the pumps shall meet the requirements of this ordinance.

Identification sign. A sign which serves to identify a person, business operating lawfully, subdivision or area located on the premise where the sign is located. Such sign may show the name and/or the address of the person, organization, business or area but shall not portray any other message. A logo or decorative artwork to make the sign more attractive is allowed.

Illuminated sign. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Incidental Sign. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign, a sign indicating hours of business or the business phone number.

Joint identification sign. A sign which serves as a common or collective identification for a group of persons or businesses operating within a given area e.g. same street, same part of town etc. Such sign may name the persons, organizations, businesses and line of business.

Mobile and/or Portable Sign. Any sign that may be hauled or towed from one (1) location to another, is self-supporting and/or, when placed, is not permanently attached to the ground or a building. Any sign not permanently attached to the ground or other permanent structure, or:

1. A sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or displayed on a vehicle or trailer.
2. Signs converted to A- or T- frames; menu and sandwich board signs.
3. Balloons used as signs.
4. Umbrellas used for advertising.
5. Signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used primarily in the normal day-to-day transportation operations of the business.

Off-site sign. A sign which directs attention to or advertises a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-site sign shall include any outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message for a business or service not located at that property.

On-site sign. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; an on-site sign may also display a noncommercial message.

Projecting sign. Any sign that shall be affixed at an angle or perpendicular to the wall of any building .in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

Public sign. A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information or to direct or regulate pedestrian or vehicular traffic.

Real estate sign. Temporary sign placed upon a property for the purpose of advertising the sale or lease of said property to the public.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

Roof sign, Any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Sign. The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed

out of doors in view of the general public. In addition, any of the aforementioned which are not placed out of doors, but which are illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times when in use shall be considered a sign within the meaning of this ordinance, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner, without organized relationship of elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

Temporary sign. Any sign that is used only temporarily and not for a period exceeding seven (7) days and which is not permanently mounted.

Traffic control sign. Traffic or other municipal signs, legal notices, danger, and such temporary, emergency or non-advertising signs as may be approved by the City Council.

Wall sign. Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted. Wall signs shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.

Wrap sign. A sign printed or painted on flexible permanent material that is mounted by stretching it onto a new or pre-existing permanent sign frame.

B. Building Terms.

Building. A permanent structure on a permanent foundation.

Erect. To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

Display surface area. The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations: provided, however, the "display surface area" shall not include the structural supports for free standing signs; provided further that only one face of a double-faced sign as defined shall be considered in determining the display surface area.

C. Other.

District or zoning district. A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform

for each class of use permitted therein. References to individual zoning districts contained herein shall refer to the zoning districts established by the City Council, City of Bull Shoals, Arkansas.

Illuminated, direct. Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

Illuminated, indirect. Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Lease. An agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his property.

Lot. A parcel of land under one ownership whether described by metes and bounds or as a platted lot.

Maintenance inspection. The Building Official or designee will inspect the appearance, condition of the sign structure and for electrical safety. Free standing signs and the premises surrounding same shall also be inspected for clean, sanitary conditions and freedom of rubbish and weeds. The sign owner will receive a statement from the Building Official or designee upon completion of inspection. The statement may state that maintenance is required. The required maintenance shall be completed by the sign owner within fourteen (14) days of notice or the sign will be removed by the city.

Pre-existing sign. A sign legally existing at the effective date of the adoption of this ordinance which is not in compliance with the terms of this ordinance.

Person. "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

Shopping center. Two (2) or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

Spot light illumination. "Spot light illumination" shall mean illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source towards the signs. (Ord. No. 2013-09, Sec. 1.)

14.12.03 Sign permit general regulations It shall be unlawful for any person to erect, perform electrical repair, alter or relocate within the City of Bull Shoals, Arkansas, any sign or other advertising structure as defined in this ordinance, except as exempted under Article 5, without first obtaining a sign permit from the Building Official/Sign Inspector and payment of the fee as required by this article. All illuminated signs shall in addition, be subject to the provisions of the electric code, and the permit fees required thereunder.

- A. A sign permit is required:
1. Prior to the initial installation of any new sign face or structure not exempted by this ordinance.
 2. Prior to an existing sign being relocated or moved.
 3. Prior to an existing sign structure being altered.
 4. Prior to an existing sign in poor condition being renovated.
 5. When the ownership of the sign or business changes. Sign permits are not transferable.
 6. For wrap signs if the entity which the sign represents changes.

B. Application for a Sign Permit. For the purpose of this ordinance, the applicant is defined as the business or real estate owner. Application for a sign permit shall be made by completion of application forms provided by the City Clerk and shall contain or have attached thereto the following information:

1. Legal location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
2. Two (2) blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground plus the information that is to be displayed on sign.
3. Name, address and phone number of the real estate owner. The legally responsible person is the real estate owner.
4. Name, address and phone number of the business which the sign will advertise.
5. Name, address and phone number of firm, person, corporation or association erecting sign.
6. The applicant may be either the real estate owner or the business owner.
7. The application shall be signed by both the real estate owner and the business owner.
8. Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign must accompany sign application.
9. Such other information as the Building Official/Sign Inspector shall require to show full compliance with the city ordinance.

- C. Sign permit fees.
1. Every applicant, before being granted a permit hereunder, shall pay a permit fee to the City Clerk for each sign or other advertising structure regulated by this ordinance. The permit fee shall be established by resolution of the City Council of the City of Bull Shoals [Ordinance 2000-06, June 27, 2000].
 2. Sign permit fees shall be annual fees payable in January.
 3. Occupational or business licenses shall be required for entities obtaining commercial sign permits. An occupational or business license renewal shall not be issued unless the sign permit renewal is also paid.

D. Issuance of sign permit. It shall be the duty of the Building Official/Sign Inspector upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If it appears the proposed structure is in compliance with all the requirements of this ordinance and all other laws and ordinances of the City of Bull Shoals, Arkansas, then the sign permit shall be issued. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

E. Sign permit revocable. All rights and privileges acquired under the provisions of this ordinance or any amendment thereto are mere licenses revocable at any time by the City Council of the City of Bull Shoals, Arkansas, and all such sign applications shall contain this provision.

F. It shall be the responsibility of the applicant to ensure that all codes and ordinances of the City of Bull Shoals, laws and regulations of the State of Arkansas and the Federal Government, which may change from time to time, are adhered to. The issuance of a permit does not grant permission to violate any of the codes. The Building Official/Sign Inspector shall be held harmless for a permit for a non-conforming sign.

G. The city shall establish a system to track sign permits and information. (Ord. No. 2013-09, Sec. 2.)

14.12.04 Maintenance for all signs

- A. All signs and the premises surrounding the same shall be maintained by the real estate owner thereof in a clean, sanitary condition, free and clear of rubbish and weeds.
- B. All signs shall be designed, constructed and maintained in accordance with the following standards:
 - 1. All signs shall comply with applicable provisions of the Building Code and the Electrical Code of the city at all times.
 - 2. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
 - 3. All signs shall be continuously maintained in good structural and readable condition and in conformance with this sign ordinance at all times. Free standing signs are encouraged not have cables or other supporting bracing.

(Ord. No. 2013-09, Sec. 3.)

14.12.05 Pre-existing signs For the purpose of this article, a pre-existing sign shall be defined as a legal sign existing at the effective date of this ordinance which could not be built under the terms of this ordinance. Where a lawful sign exists at the effective date of adoption or amendment of this ordinance that is not in compliance with the terms of these regulations, such sign may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. Said pre-existing sign must be in good condition as determined by the Building Official at the date this ordinance is adopted or amended.
- B. No pre-existing sign may be enlarged or altered in a way which would increase its nonconformity.
- C. A pre-existing sign may be altered to become less non-conforming, such as reducing its size after approval of a new sign permit. The alteration may include changing the location if approved by the Building Official/Sign Inspector.
- D. Should any pre-existing sign be damaged by any means to an extent of more than fifty (50) per cent of its replacement cost at time of damage as determined by the Building Official/Sign Inspector, it shall not be reconstructed except in conformity with the provisions of this ordinance. Pre-existing signs of Bull Shoals business may be repaired or reconstructed except the size limits must be altered to.
- E. Existing signs may remain as long as the business is active.
(Ord. No. 2013-09, Sec. 4.)

14.12.06 Exemptions (Signs not needing permits) The following signs do not require a sign permit but this does not relieve the owner from the responsibility of compliance with all other provisions of this ordinance. The exemptions are contingent upon the standards set forth for each such exempt sign. No permit shall be required for the erection of the following signs:

- A. Identification signs and joint identification signs erected flat on the wall of a building and not exceeding four (4) square feet of display surface area.
- B. Any signs required by State or Federal law.
- C. One residential sign provided the same is unanimated, non-illuminated and has a maximum display surface area of two (2) square feet or less. It shall not display advertising.
- D. Incidental signs not exceeding two (2) square feet of display surface area.
- E. Building markers.
- F. The repainting of signs or the changing of letters or numbers on signs designed for changeable lettering or numbering.
- G. If a wrap sign is used to update a sign message instead of repainting the sign face, no new permit is needed if the entity which the sign represents does not change.
- H. Election Campaign Signs. The City Council hereby finds that the citizens of the city have a compelling community of interest in the furtherance of the democratic process and the support of free elections with widespread participation of both candidates and voters in that process as well as in the importance of an electorate informed as to their choice among candidates. Therefore, election campaign signs are exempt from the requirement of a permit and are allowed to be placed only on private property in any district subject to the following conditions:
 - 1. In districts where signs are not otherwise permitted, an election campaign sign may be erected but shall be removed within seventy-two (72) hours following the final election to which it applies; the owner of the property on which said sign is placed shall be responsible for its removal.

- 2 In districts where signs are otherwise permitted, election campaign signs shall meet those requirements and in addition shall be removed within seventy-two (72) hours after the final election to which it applies. The owner of the property on which said sign is placed shall be responsible for its removal.
- I. Banners shall be exempt when used to announce a specific event providing they are not placed more than ten (10) days prior to and removed seventy-two (72) hours following said event.
 - J. All signs located within a building that are not visible to the public outside said building.
 - K. Signs painted on or affixed to glass surfaces of windows or doors of buildings and pertaining to the lawful business of the persons located therein.
 - L. Fuel price informational signs on gas pumps:
 - 1. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this ordinance.
 - M. Public signs are exempt from all of the requirements of this ordinance.

(Ord. No. 2013-9, Sec. 5.)

14.12.07 General regulations

- A. Routine alteration including repainting, repair, replacement of broken parts or structural members, shall be the responsibility of the sign owner/real estate owner.
- B. Re-erection of a sign rendered nonfunctional, unsafe or unsightly is specifically prohibited as routine maintenance.
- C. Sign permits are nontransferable.
- D. Signs advertising businesses no longer active in the business community shall be removed within forty-five (45) days after cessation of the business or activity except that if a business is temporarily closed, remodeling, or other legitimate reasons which do not change the nature of said business, then off-site signs must indicate "Temporarily Closed" and there must be a sign displayed on the business premises which indicates "Temporarily Closed".
 - 1. If the business is closed but for sale, the signs may remain but must indicate that it is closed and for sale.
 - 2. If the business is closed and only the property is for sale, the signs shall be removed.
- E. If any sign is damaged or destroyed beyond repair, the replacement shall be considered a new sign and subject to all regulations under this ordinance.
- F. Signs shall be professional looking. Graffiti style signs are not allowed.
- G. Signs shall be installed plumb and level within reasonable tolerance.

- H. The total combined square footage of all on-site signs shall not exceed eighty (80) square feet per entity.
- I. A sign for which the permit has lapsed or has not been renewed or for which the time allowed for the continuance of a pre-existing sign has expired, a thirty (30) days notice shall be given for renewal of the permit. If the permit has not been renewed, the city shall remove the sign without notice.
- J. The word "remove" shall mean:
 - 1. The sign face along with posts, columns, or supports of freestanding signs shall be taken down and removed from the property.
 - 2. The sign face and supporting structures of "projecting", "roof" or "wall" signs shall be taken down and removed from the property.
 - 3. The sign face of "painted wall signs*" shall be removed by painting over the wall sign in a neutral color in such a manner as to completely cover up and hide from sight the sign in question.
- K. Signs shall not constitute a traffic hazard or interfere with sight distance needed for safety.
- L. Placing signs on public property. No signs shall be allowed on public property except for the following:
 - 1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
 - 2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
 - 3. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 - 4. No signs shall be placed or painted on any tree or rock.
 - 5. No signs shall be placed on any utility pole except for utility identification or similar purposes.
- M. Placing signs on private property.
 - 1. No signs shall be placed on any private property without the written consent of the owner thereof.
 - 2. No signs shall be placed or painted on any tree or rock.
 - 3. No signs shall be placed on any utility pole except for utility identification or similar purposes.
- N. Off-site signs, In accordance with this ordinance which shall be issued only for signs meeting the following requirements:
 - 1. Off-site signs shall be placed no closer than 600 (six hundred) ft. apart with a fifteen (15) ft. setback from property line.
 - 2. No more than one off-site sign shall be permitted for any entity.

3. The total combined square footage of all off-site signs shall not exceed eighty (80) square feet per sign.
 4. Off-site signs shall not be allowed in residential or the C-I zones.
- O. Illuminated sign. Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at twenty-five (25) watts or less.
- P. Spot lights and beacons prohibited. It shall be unlawful for any person to erect any attraction device or sign which contains a beacon of any type and/or contains a spot light providing direct illumination to the public.
- Q. Fluctuating illumination prohibited except for electronic digital signs. It shall be unlawful for any person to erect additional attraction devices or signs or an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited.
- R. Portable signs and Mobile signs. It shall be unlawful for any person to display or erect any mobile sign in the city. Portable signs are allowed on a temporary basis, such as a sign designating that a business is open. The sign shall be taken in when the business is not open.
- S. Use of vehicle as sign. It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this ordinance.
- T. Revolving, rotating, or moving signs prohibited. It shall be unlawful for any person to erect any sign the exterior of which revolves rotates or otherwise moves in whole or in part.

(Ord. No. 2013-9, Sec. 6.)

14.12.08 Regulations for specific types of signs

A. Freestanding signs.

The maximum height for freestanding signs is fifteen (15) feet above ground or street level whichever is higher upon which the sign faces. Freestanding signs shall be permitted to be erected in the city subject to the following:

1. R Districts. Freestanding signs shall be prohibited and no freestanding signs shall be erected in any R district of the city.
2. C and I Districts:
 - a. Only one (1) freestanding sign shall be permitted on a lot with a building at a shopping center or at a mall.
 - b. Freestanding signs shall be subject to the following:
 - 1) Display Surface Area. Surface area shall not exceed eighty (80) square feet on a single sign.
 - 2) A fifteen (15) ft. setback from property line is required on free standing signs.

B. Projecting signs.

The display surface area of a projecting sign shall not exceed sixteen (16) sq. ft. Only one (1) projecting sign per building shall be permitted and a projecting sign shall not be permitted on property which has a freestanding sign.

C. Roof signs.

Roof signs shall be of a size in scale with the building on which they are located and shall not be higher than the ridge line of the roof.

D. Wall signs.

1. Wall signs shall be mounted flat against the wall on which they are located.
2. Wall signs shall be limited in number to one wall sign per tenant on each wall with a limit of four (4) wall signs per building.
3. The display surface area of all wall signs on any one wall shall not exceed eighty (80) square feet or fifteen (15%) percent of the area of the wall on which they are located, whichever is less.
4. Wall signs shall only be permitted for activities within the building or property on which the sign is located.

E. Identification Signs.

Identification signs are needed to name a person, location, business.

1. Identification signs shall contain only the name and/or street address being identified and contain no other advertising or directional information.
 - a. Identification signs shall be at the location being identified.
 - b. Identification signs may be in any zone
 - i. In residential zones the maximum identification sign size is two (2) square (2) square feet.
 - ii. Home businesses may have an identification sign with a maximum size of two (2) square feet.
 - iii. Area and subdivision signs in any zone may be of an appropriate size to the location with a maximum of thirty-two (32) square feet.
 - iv. In commercial or industrial zones the signs shall be in proportion to the building or property. A variance is required for a sign larger than 32 square feet or exceeding 15% of the wall area.
 - v. The size and location of the fence, wall, or other structure which will contain the identification sign, must be approved by the Building Official/Sign Inspector, who will approve such structure upon the criterion of traffic safety sight lines.

F. Directional Sign.

Directional signs are needed to guide people to destinations that might otherwise not be known and are not visible from the route of travel.

- I. Directional signs shall not exceed one (1) foot by four (4) feet. More than one directional sign may be attached to the same structure, one above the other.
 - a. Directional signs may be in any zone.
 - b. Real estate directional signs are not allowed except during Open House events when an agent is in attendance at the property for sale or lease. Real estate directional signs shall be allowed only on private property and not on the public right-of-way.
 - c. Some directional signs may be considered public if they direct travelers to an attraction, non-profit purpose such as food pantry, library, recreation, public use space or civic location.
 - d. Commercial directional signs are not public and shall not be on public property without written permission and an annual maintenance fee paid to the public entity owning the land. The annual fee shall be equal to the maintenance fee charged by Arkansas Highway & Transportation Department's Tourist Oriented Directional sign program.
 - e. Directional signs may be on premise such as entrance/exit signs or off-premise to indicate turns required to reach the destination.
 - f. Directional signs shall be permanently mounted on posts firmly attached to the ground.

(Ord. No. 2013-9, Sec. 6.)

14.12.09 Board of Zoning Adjustment

- A. The word "Board" when used in this article shall be construed to mean the Board of Zoning Adjustment.
- B. Any member of the Board who shall have direct or indirect interest in any sign or in any decision relating to such sign, which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, decision or proceeding of the Board in connection therewith.
- C. Appeals. An appeal stays all proceedings in furtherance of the action appealed from unless the Building Official/Sign Inspector certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by the Board, or by a court of record on application or notice to the Building Official/Sign Inspector and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give seven (7) days public notice hereof by publication in a newspaper of general circulation in the city, give due notice to the parties in interest and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- D. Jurisdiction. The Board shall have the following powers and it shall be its duty.
 - I. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or interpretation made in the enforcement of this ordinance.

2. To hear requests for variances from the provisions of this ordinance for the erection of a new sign in cases where strict compliance with this ordinance would cause extreme hardship due to the circumstances unique to the property and the individual sign under consideration. The Board may grant such variance only when it is demonstrated that such action is necessary and the only way possible to reduce the extreme hardship found. In determining whether extreme hardship exists, the Board shall consider the relative economic cost to the applicant if the variance is granted compared to such cost if it is not; the lack of effectiveness as a means of communication of signs allowed on such property under this ordinance compared to the proposed sign for which a variance is requested; the proposed size, lighting and type of materials to be used in the proposed sign; whether the proposed variance can be made subject to such conditions as would address the concerns of city staff and adjacent property owners and whether the variance, if granted, will be in keeping with the purpose and spirit of this ordinance.

As there may be situations in which a smaller sign would be out of proportion to the building or location, the Board of Zoning Adjustment may also hear variance requests for signs that do not meet the size requirements of this ordinance.

- A. The Board may impose reasonable conditions in the granting of a variance to insure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance.
- B. In exercising the above mentioned powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or interpretation as ought to be made.
- C. The concurring vote of a majority of the full Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official/Sign Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

Any variance granted by the Board shall automatically be revoked if the applicant does not comply with the terms of the variance within thirty (30) days from the granting thereof and the applicant shall be required to comply with the literal provisions of this ordinance. (Ord. No. 2013-9, Sec. 8.)

14.12.010 Penalties

- A. Any person convicted for a violation of this Ordinance shall be deemed guilty of a misdemeanor. ASA 14-55-504 limits municipal fines at this time to One Thousand Dollars (\$1,000.00) for the first offense or Two Thousand Dollars (\$2,000.00) for a repeat violation, but a fine not to exceed Five Hundred (\$500.00) per day for each day the violation continues. In addition any person

convicted for a violation of the provisions of this Ordinance may be imprisoned in accordance with Section ACA 14-55-602. The power of enforcement is dedicated in ACA 14-55-601 through 14-55-608. The remedies include prosecution or a civil action to recover fines.

- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- C. If the Building Official/Sign Inspector finds that any sign regulated herein has been constructed or erected or is being maintained in violation of the provisions of this ordinance, shall give written notice to the permittee or the owner of the property where the sign is located. The permittee or the owner fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days as specified in such notice such sign may be removed or altered to comply by the Building Official/Sign Inspector. Any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property, Further, the Building Official/Sign Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily without notice. In determining whether an immediate peril exists, the Building Official]Sign Inspector shall consider whether a person may be injured or whether the time in which the sign might be removed pursuant to written notice. Such signs are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or-lessee thereof shall have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign. Said administrative hearing governed by and held in accordance with the procedure prescribed by the Board of Zoning Adjustment of the City of Bull Shoals.
- D. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2013-9, Sec. 10.)

[Pages 221-222 Reserved]

S-1.1

CHAPTER 14.16

REZONING, ANNEXATION, AND VACATING STREETS

Sections:

- 14.16.01 Vacating streets
- 14.16.02 Rezoning

14.16.01 Vacating streets The procedure for vacating streets and alleys for public use is outlined in A.C.A. 14-301-301 through 14-301-306.

Ord. No. 2008-07 Vacating a portion of the street/alley of Lake Street lying North of Block 3.

14.16.02 Rezoning

Ord. No. 2011-01 From R1 to R-2 Part of Lot 3, Westwood Terrace

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Ordinance

CHAPTER 15.04

SUBDIVISION ORDINANCE

**Bull Shoals Arkansas Sesquicentennial Land Subdivision Regulations
Subdivision Ordinance 96-2
January 22,1996
Retyped and Reformatted
June 2007**

ARTICLE 01.00.00 GENERAL PROVISIONS

This ordinance shall hereafter be known, cited, and referred to as the "Bull Shoals, Arkansas Sesquicentennial Land Subdivision Regulations".

ARTICLE 01.01.00 PURPOSE

Article 01.01.01 The purpose of these regulations is to set forth procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the Planning Commission (hereinafter referred to as "the Commission") of Bull Shoals, Marion County, Arkansas (hereinafter referred to as "the City").

Article 01.01.02 Piece-meal planning of land subdivisions without correlations to the City's comprehensive plan could bring about a disastrous patchwork of plats resulting in poor circulation of traffic and unattractive neighborhoods and communities.

Article 01.01.03 These regulations are designed, intended and should be administered in such a manner to implement the City's comprehensive plan.

Article 01.01.04 These regulations are established with reasonable consideration for the [sic] of the City with a view toward conserving the value of the buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development of standards contained in building codes, official map regulations, zoning ordinance and the comprehensive plan of the City.

Article 01.01.05 These regulations are intended to ensure proper legal description and proper monumentalizing of subdivided land to establish and maintain adequate and accurate records of all land subdivisions.

ARTICLE 01.02.00 AUTHORITY

These subdivision regulations are adopted in accordance with the authority granted by Arkansas Act 186 of 1957, as amended by the General Assembly of the State of Arkansas.

ARTICLE 01.03.00 JURISDICTION

The City's land subdivision regulations shall apply to all subdivision of land, as defined herein, and located within the City's corporate limits, and all subdivision of lands lying outside the corporate boundaries and being within the review jurisdiction of the Commission (AS 19-2825 – 19-2831) as designated on the Planning Area map in the City's Zoning regulations adopted by the Commission December 6, 1971 as updated (Appendix II, page vii of the City's updated zoning ordinance). *[As of June 2007, the current zoning ordinance is Ordinance 2001-03]*

The review jurisdiction of lands lying outside the corporate boundaries *[sic - of the City]* and being with *[sic –within the jurisdiction of?]* the Commission is:

The territorial jurisdiction of the legislative body (Council) of the City having a planning commission for the purpose of this Act (19-2825 – 18-2831) shall be exclusive and include all and [sic] lying within five (5) miles of the corporate limits. If the corporate limits of two or [sic] municipalities of the first or second class are less than ten (10) mile apart, the limits of their respective jurisdiction shall be a line equidistant between them, or as agreed upon by the respective municipalities. (also AS 17-1101 – 17-1106, AS 17-1112 Act 422 of 1977 Section 6.9, AS 19-2827 as amended by Act 138 of 1965 section 1).

Planning Commissions in cities of the first and second class situated on navigable streams shall have planning and zoning jurisdiction over the territory lying along the stream for a distance of five (5) miles of the corporate limits, in either direction, and for a distance of two (2) miles laterally from the thread of the stream (Art 19-2829(e)).

ARTICLE 01.04.00 CONFORMANCE TO OFFICIAL PLANS

Subdivisions shall conform to official plans and regulations that are in effect.

ARTICLE 01.05.00 RESERVATION OF LAND

The developer shall reserve all land designated for public use on an adopted official plan for six (6) months following the date of approval of preliminary plat to permit the public body having jurisdiction or financial responsibility to acquire the property.

The responsible public body shall be required to take an option on the designated land within ninety (90) days from the date of approval of preliminary plat.

However, the developer may be released from the reservation requirement in less than six (6) months if the public body having jurisdiction notifies the Commission that it no longer desires to have the land held.

ARTICLE 01.06.00 SUITABILITY OF LAND

All land proposed for residential use shall be suitable for development free from flood and topographic conditions that would endanger health, life or property.

ARTICLE 01.07.00 METES AND BOUNDS

No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying metes and bounds without taking the necessary steps for filing an approved plat.

ARTICLE 02.00.00 RULES AND DEFINITIONS

In the construction of this ordinance and any subsequent amendment, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

Words and terms not defined shall have the meaning indicated in by [*sic*] common dictionary and/or legal definition.

For the purpose of these regulations certain terms and phrases used herein are defined as follows:

Rules

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number and the plural singular.
3. The masculine gender includes the feminine and neuter.
4. The word “Board” shall mean the Board of Zoning Adjustment of the City of Bull Shoals, Marion County, Arkansas.
5. The word “building” shall include the word “structure” and shall include all other improvements of every kind, regardless of similarity to buildings.
6. Building official: a person appointed by the Mayor and approved by the City Council of Bull Shoals to enforce these regulations, and referred to herein as the enforcement officer.
7. The word “City” shall mean the City of Bull Shoals, Marion County, Arkansas.
8. The word “Clerk” shall mean the Administration Clerk and the representative of the Planning Commission.
9. The word “Commission” shall mean the Planning Commission of *[the City of]* Bull Shoals, Marion County, Arkansas.
10. The word “Council” shall mean the City Council of *[the City of]* Bull Shoals, Marion County, Arkansas.
11. The word/s/ “Fee Ordinance” shall mean the [City of] Bull Shoals, Arkansas Sesquicentennial Planning and Zoning Permit Fee Ordinance.
12. The word “may” is permissive.
13. The word “lot” shall include the words “piece”, “plot” and “parcel”.
14. The word “person” shall include a “firm”, “association”, “organization”, “partnership”, “trust”, “company” or “corporation” as well as an “individual”.
15. The word “plan” shall mean the Comprehensive Development Plan of *[the City of]* Bull Shoals, Marion County, Arkansas.
16. The word “Recorder” shall mean the duly elected Recorder-Treasurer of *[the City of]* Bull Shoals, Marion County, Arkansas also known and cited as City Clerk.
17. The word “shall” is mandatory and not discretionary.
18. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

Definitions

1. **Alley.** A narrow minor public way not in excess of twenty (20) feet which affords a secondary means of access to the abutting properties and not intended for general traffic circulation, and used for utility easements and vehicular access to the back or side of properties abutting a street.
2. **Automobile trailer.** Any vehicle, without motor power, used or so constructed as to permit it being used as a conveyance upon the public streets and highways and licensable as such, constructed in such a manner as will permit occupancy as a dwelling or sleeping place for

one or more persons, and including a self propelled vehicle having a body designed as living quarters; also recreational vehicles; also pop-up campers.

3. **Building setback line.** A line parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.
4. **Comprehensive Development Plan.** An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. The criteria which are determined and established by the authority as a rule for the measure of quality, value, extent and quantity, and is a projection of what future conditions are likely to be. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs, and the rate, timing and location of future growth. This plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts, and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan
5. **Corner yard.** Such yard shall have extra width to permit appropriate building setback from and orientation to both street[s]. The front yard of a corner lot shall be considered as parallel to the street upon which the lot has the least dimension.
6. **Cul-de-sac.** A street having one open end to the traffic and being terminated at the other end by a vehicular turnaround.
7. **Dwelling unit.** A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be deemed to include motels, rooming houses, or automobile trailer (Article 02.00.00, Definitions 2).
8. **Dwelling, single family.** A detached structure designed for or occupied by one family only.
9. **Easement.** A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.
10. **Improvements.** Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.
11. **Lot of record.** A lot which is part of a subdivision recorded in the office of the Recorder of Deeds, Marion County [Arkansas], or a lot or parcel described by metes and bounds, the description of which has been so recorded.
12. **Lot-split.** The division of a parcel into four (4) or less lots or parcels for the purpose of transfer of ownership or building development. [*conflicts with Article 03.05.01(C)*]
13. **Plan.** See Article 02.00.00 Rules 15 and Article 02.00.00 Definitions 4.
14. **Planning Commission.** A commission or other body authorized to consider matters relative to planning, zoning and subdivision platting, and make recommendations to the legislative body of the city, and shall hereinafter be called the Commission (Article 02.00.00 Rules 9)
15. **Planned Unit Development (PUD).** A self-contained development, often with a mixture of housing types and densities, in which subdivision and zoning controls are applied to the whole rather than individual lots, as in most subdivisions. Therefore densities are calculated for the entire development, usually permitting a trade-off between clustering of houses and provision of common open space.
16. **Plat.** A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot split prepared by a developer for consideration and approval by a planning commission. Such plats may be the sketch plat, the preliminary plat, or the final plat.

17. **Street.** A dedicated public way of more than twenty [20] feet established by or maintained under public authority for vehicular and pedestrian access to adjacent properties. A private way open for public use and a private way plotted [*sic platted*] or laid out for ultimate public use, whether or not constructed.
18. **Arterial highway:** a street of greater continuity which serves or is intended to serve as a major traffic way and is designated as a limited access highway to identify those streets comprising the basic structure of the street plan.
19. **Collector street:** a feeder route which carries vehicles from minor and local service streets to thoroughfares.
20. **Local service streets:** a non-through neighborhood street within a particular area mainly used for access to properties.
21. **Street, dead-end.** A street, similar to a cul-de-sac, but providing no turnaround at its closed end.
22. **Subdivider.** A person, firm or corporation undertaking to develop a subdivision as defined in these regulations.
23. **Subdivision.** The division of a parcel of land into four (4) or more lots or parcels for the purpose of transfer of ownership or building development. However, the division of land for agriculture purposes into lots or parcels of then [*sic*] 10 acres or more and not involving a new street is not a subdivision.

ARTICLE 03.00.00 PROCEDURE FOR PLAT APPROVAL

Article 03.01.00 Objective The objective of this ordinance is to establish a uniform procedure the developer shall follow to obtain plat approval.

Normally, the approval process involves the preparation by the developer and the approval by the Commission of a preliminary plat and a final plat for the land proposed for development.

In the event the plat as submitted by the applicant is disapproved by the Commission, the applicant may petition the Council of the City for a review of the Commission action. The Council may sustain the disapproval of the Commission or refer the plat back to the Commission for restudy.

Article 03.02.00 Preplatting Preparation The developer should consult with the Commission or the Clerk prior to the preparation of the preliminary plat. In connection with such consultations, the developer should indicate on a **pencil sketch plan** his subdivision proposal, and request check lists and instructions to guide him in the preparation of the plat. He should familiarize himself with the regulations, the major street plan and with other official plans and policies.

Article 03.03.00 Preliminary Plat Approval The preliminary plat shall require a fee in accordance with Article 07.05.00 and Fee Ordinance//Section 05(A). The following actions and conditions relate to the preliminary plat approval procedure.

Article 03.03.01 Submission to the Planning Commission The developer shall submit two (2) copies of a preliminary plat to the Commission or the Clerk no less than fifteen (15) days prior to the meeting at which the plat is to be considered. Upon receipt of the plats, one (1) copy shall be dated and signed by the Clerk for the Commission files. The Commission may require additional copies if necessary.

Article 03.03.02 Action by the Planning Commission Within fifteen (15) days after submission, the Commission shall indicate its approval, disapproval or conditional approval of the plat. The reasons for disapproval shall be stated in writing.

Before the approval of the plat, the Commission *shall obtain evidence that the plat has been reviewed and commented* on by the Council, the agencies and municipal departments that have an interest in or may be affected by the plat approval

Article 03.03.03 Expiration of Approval The approval of the preliminary plat shall lapse unless a final plat of the subdivision is submitted to the Commission within one (1) year following the date of approval.

Article 03.03.04 Approval as Authority to Install Improvements Approval of the preliminary plat does not constitute approval for filing the plat with the Marion County Recorder of Deeds. It is, however, authorization for the subdivider to proceed with the installation of the improvements, or to submit guarantees in lieu of improvements. *[per definitions: Improvements. Street grading and surfacing, curbs and gutters, water mains and water lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.]*

Article 03.03.05 Preliminary Plat Must Show Layout of the Entire Development If the developer desires presently to develop only a portion of the entire area intended for development, a preliminary plat for the entire area will be required in order that each part may be properly related to the total area.

Article 03.04.00 Final Plat Approval Procedures The final plat for a subdivision or a portion thereof, shall require a fee in Article 07.05.00 and Fee Ordinance//Section 05(B). The following actions and conditions relate to the final plat procedure.

Article 03.04.01 Submission to the Planning Commission After approval of the preliminary plat, and after the required improvements have been installed or provisions made for their installation have been made [Article 02.02.00(B)(6)], the developer shall submit not less than fifteen (15) days prior to the Commission meeting, five (5) copies of the final plat, together with certifications and other supporting information.

Article 03.04.02 Action by the Planning Commission Within forty (40) days after its submission, the Commission shall approve, disapprove or conditionally approve the plat. If disapproved, the reasons shall be recorded in the minutes and transmitted to the subdivider in writing.

Article 03.04.03 Final Plat for a Portion of a Subdivision If a subdivider desires to develop only a portion of the area for which the preliminary plat has been approved, the Commission may approve a final plat for a portion of the preliminary plat area. (Art [sic] 03.04.00 fees).

Article 03.04.04 City Council Action Upon approval of a final plat of a subdivision located within the corporate limits of the City, the Commission shall transmit a copy of the plat to the Council for its acceptance of the dedication of public streets and other public space.

Article 03.04.05 Recording of Final Plat A copy of the approved final plat (and acceptance by Council if located within the City) shall be filed with the Marion County Recorder of Deeds. Pursuant to Arkansas Planning Law 186 of 1957 Section 5 (3), as amended, “the Recorder shall not accept any plat for record without the approval of the Planning Commission.” Evidence of approval shall be the signature of both the Commission and Council on the final plat. At the same time the final plat is recorded, any restrictive covenants shall also be filed with Marion County Recorder of Deeds.

Notwithstanding the provisions set forth in the land subdivision regulations, minor subdivisions shall be permitted and approved by the Commission, without filing a subdivision plat as required by this ordinance, in accordance with the following:

Article 03.05.00 Approval of Land Subdivision other than Subdivision without a Plat also Known as Lot Split Approval A minor lot split shall require a fee in accordance with Article 07.05.00//Section 05 (C).

Article 03.05.01 Lot Split Purpose The purpose of this section is to permit the subdivision of a parcel of land, as referred to as lot-splitting:

1. Along an existing dedicated or deeded street;
2. Not involving the opening, widening or extension of any street or road; and
3. Which parcel of land results in not more than ten (10) lots *[see definitions: Lot Split. The division of a parcel into four (4) or less lots or parcels for the purpose of transfer of ownership or building development.]* all of which meet minimum area requirements of the zoning ordinance of the City.

Article 03.05.02 Lot Split Procedure If the Commission is satisfied that a proposed minor subdivision (lot split) is not contrary to the herein established platting and subdividing rules and regulations and such plat is not contrary to the City zoning ordinance, such Commission shall approve same within 15 working days of the date of submission.

Article 03.05.03 Lot Split Final Disposition

1. After a minor subdivision has been approved by the Commission, the plat or other graphic representation of such minor subdivision shall be stamped

2. “approved by the Planning Commission – no plat required” [*plats should always be required*] and shall be signed by the Commission chairperson and Commission secretary, and shall be transmitted to the Council for similar action.
3. The Council shall within 15 working days approve or disapprove such minor subdivision.
4. After the minor subdivision (lot split) has been stamped, approved and signed as herein above provided, it shall be filed and recorded for record with the Recorder of Deeds of Marion County.

Article 03.05.04 Lot Split Improvements All minor subdivision (lot splits) are required to provide permanent monuments as hereinafter required (Art [*sic*] 06.02.07).

Article 03.06.00 Subdivision Plat Lying Outside the Corporate Boundaries and Being Within the Review Jurisdiction (AS 19-2827 as amended by Act 138 of 1965 Section 1, AS 19-2829 (e)). For the subdivision platting of any land lying outside the corporate boundaries of the City but within the review jurisdiction of the Commission as defined in Article 01.03.00(A)(B), the procedure herein before set forth shall apply except for the following modifications:

Article 03.06.01 Approval of the preliminary plat

- (1) The preliminary plat shall require a fee in accordance with Article 07.05.00 and Fee Ordinance//Section 05(A);
- (2) After approval and recommendation of a subdivision plat as described in Article 03.06.00 above by the Commission, such plat shall be forwarded to the Council for approval.

Article 03.06.02 Final plat approval:

- (1) The final plat shall require a fee in accordance with Article 07.05.00 and Fee Ordinance//Section 5(B).
- (2) After approval and recommendation for a final plat subdivision as described in Article 03.06.00 above by the Commission, such plat shall be forwarded to the Council for approval.

Article 03.06.03 Other Required Approval Any other approval, certificate review, inspection, bond or guarantee for a subdivision plat as described in Article ?.10.00 and 06.01.00 D required herein shall be handled pursuant to the Marion County, Arkansas requirements for land subdivision.

Article 03.07.00 Subdivision Created by Successive Divisions Whenever a parcel of land is subdivided into lots containing one or more acres and there are indications that such lots will eventually be subdivided into smaller building sites, the Council [*Commission?*] may require that such parcels of land be divided so as to allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Successive divisions shall require a preliminary and final plat fees in accordance with Article 07.05.00 and Fee Ordinance // Section 05 (A) (B).

Article 03.08.00 Potential Utility Subdivisions In a potential utility subdivision, a developer may establish zoning lots which provide not less than 40,000 square feet of lot area and maintain a minimum frontage at the building setback line and 270 feet.

Article 03.08.01 Each such zoning lot designed and approved in a potential utility subdivision shall contain not less than 3 lots, none of which shall be less than 90 feet wide at the building setback line, and numbered “lot #A, B, C”.

Article 03.08.02 Building permits shall be issued on only one of such lots until such time as full public utilities are provided; however, the remaining lots may be utilities for the installation of private walls and/or sanitary sewer disposal units. Permit fees shall be required in accordance with Article 07.05.00 and Fee Ordinance // Section 01.

Article 03.08.03 Utility subdivisions shall require preliminary and final plat fees in accordance with Article 07.05.00 and Fee Ordinance // Section 05 (A) (B).

Article 03.09.00 Land Abutting a Private Way Outside the City No person shall sell any parcel of land of 1 acre or less in size, located outside the corporate limits of the City if it abuts a road which has not been accepted as a public road, unless the seller informs the purchaser in writing of the fact that the road is not required to be maintained by the county or township within which it is located.

Article 03.10.00 Planning Commission Standards for Plat Approval The Commission, in its examination of subdivision plats for approval, and in application of the ordinance, shall consider and give particular attention to the following:

- **Requirements of the community and the best use of the land being subdivided.**
 - (1) Width and location of streets;
 - (2) Suitability of sanitary utilities;
 - (3) Surface drainage, including the affect on other properties;
 - (4) Lot sizes and arrangement;
 - (5) Local requirements such as schools, parks, playgrounds, recreations sites and other public uses.

- **Conformity**
 - (1) The Commission shall especially require all subdivisions to conform to the provisions and conditions of the City’s comprehensive plan for the future development.
 - (2) Plat approval may be withheld if a subdivision does not conform to the provisions of the City’s comprehensive plan.
- **The Commission shall not recommend for approval of any plat of any subdivision that does not make adequate provision for storm or flood water.**
- **The Commission will consider if the subdivision plat gives due regard for the preservation of the natural features such as large trees, water courses, historical or similar features.**

ARTICLE 04.00.00 PLAT REQUIREMENTS

Article 04.01.00 Objective The objective of this article is to set forth the minimum information that is needed on a subdivision plat, and accompanying the plat, for the Commission to determine if the subdivision complies with the land development regulations and meets the legal requirements for filing and recording purposes.

Article 04.02.00 Plat Size and Scale The scale of the preliminary plat shall not be less than one (1) inch equals one hundred (100) feet.

The final plat shall be prepared on sheets of approved size to fit unfolded within the Marion County plat book.

Article 04.03.00 Right of Survey The Commission may have a survey made of the boundary of the subdivision to determine if said description is correct; in the event there is an error in said description, the subdivider shall pay for said survey and correct the boundary description to the satisfaction of the Commission.

Article 04.04.00 Plat Information and Restrictive Covenants Whenever the letter “X” appears opposite an item that information shall be shown on the plat at the time the plat is presented to the Commission. At the time the preliminary plat is submitted and restrictive covenants shall also be presented to the Commission for their approval.

		Preliminary Plat	Final Plat
(A)	Name of subdivision including city, county and state;	X	X
(B)	Boundary, legal description and acreage of tract signed by a certified surveyor or registered engineer;	X	X
(C)	Names and addresses of owners, surveyors;	X	[sic?]
(D)	Names of adjacent subdivision or ownership of adjacent property if not platted;	X	X
(E)	Vicinity map at a legible scale;	X	X
(F)	Contour line [sic] at intervals which the planning commission deems sufficient;	X	
(G)	Date, graphic and stated scale, and north arrow;	X	X
(H)	Location of all streets (names, alleys, and easement within and bordering tract);	X	[sic?]
(I)	Dimensions of streets, alleys, and easement[s,] blocks and lots numbered and lettered;	X	X
(J)	Bearings of all lots, block or street lines which are not ninety (90) degrees;	[sic?]	X
(K)	Location of monuments;		X
(L)	Location of building lines;	X	X
(M)	Location and dimension of any non-residential property;	X	X
(N)	Certifications: (1) Approval of the Planning Commission (2) Ownership and dedication (3) Accuracy by registered engineer.	X	X X X

	Accompanying Information	Preliminary Plat	Final Plat
(O)	Accompanying information: (1) Approval of plans for required improvements by appropriate agency. (2) Approval of water and sewer by state health department and appropriate City agency. (3) Approval of drainage by appropriate City agency. (4) Approval of street system by a registered engineer or a qualified surveyor, approved by the city council and appropriate City agency. (5) Street profiles; (6) Certification of improvements; (7) Approval of restrictive covenants; and	X [sic?] [sic?] [sic?] [sic?]	X X X X X
(P)	House numbering. <i>[Procedure may have changed since this was written]</i>	X[sic?]	

ARTICLE 05.00.00 DESIGN AND LAYOUT

Article 05.01.00 Objective The objective of this article is to identify those physical features that affect the internal arrangements of subdivisions and to set forth design and layout standards that will assure the development of safe, attractive, efficient and economical urban residential areas.

Article 05.02.00 Special Conditions Whenever the tract to be subdivided is such unusual size, shape, or topography, or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety. Such a variance may be granted only by an affirmative vote of a majority of the planning commissioners and/or recommended to the Board [*of Zoning Adjustment*] and to the Council.

Article 05.03.00 Streets

Article 05.03.01 Projection of Major Streets Major streets in a subdivision shall conform to the general plan and be continuation or approximate projection of existing major streets in surrounding areas.

Article 05.03.02 Local Service Streets Minor streets shall be laid out in a manner that will discourage through traffic.

Article 05.03.03 Street Intersections Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street as an angle less than sixty (60) degrees. Property lines at intersections shall be rounded with a radius of not less than ten (10) feet. Shrubs or other obstructions over two (2) feet high shall not be permitted within twenty (20) feet of the intersection to ensure adequate sight distance.

Article 05.03.04 Dead-End Streets [*sic Cul-de-Sac*] Dead-end streets [*sic cul-de-sac*], designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a property line diameter of at least eighty (80) feet.

Article 05.03.05 Street Width Street right-of-way widths and pavement widths shall be shown as on the plan and where not shown shall be not less than as follows:

	Right-of-Way	Pavement
Arterial	Eighty (80) feet	[<i>sic</i>]
Collector	Sixty (60) feet	Thirty-six (36) feet
Local service	Fifty (50) feet	Twenty (20) feet

Article 05.03.06 Curb and Gutter Streets may be curbed and guttered. If used, curbs and gutters shall be approximately six (6) inches high and the gutter approximately eighteen (18) inches in width of concrete. (Ordinance 122 Article II Priority Schedule of Sidewalks, Curbs and Gutters) Curba [*sic*] and gutters shall be constructed as per Ordinance 88-3 (Master Street Plan).

Article 05.03.07 Street Surface The street surface shall be constructed as per Ordinance 88-3 (Master Street Plan). If a bituminous mixture is used, the minimum thickness shall be a two (2) inch bituminous macadam wearing surface over crushed limestone base or other suitable base approved by the Commission unless otherwise designated by a[n] Arkansas registered professional engineer and accepted by the Commission. The following specifications shall be minimum requirements:

1. Class I compacted bituminous asphalt surface shall be a thickness of one and one-half (1 ½) inches
2. Class I compacted bituminous asphalt binder course shall be a thickness of one and one-half (1 ½) inches
3. CA-6 compacted base of gravel or crushed stone shall be a thickness of four (4) inches, and
4. Alternate bases: poz-o-lamic base course shall be a thickness of six (6) inches, BAM base course shall be a thickness of five (5) inches.

Article 05.03.08 Street Grades Street grades shall be such as to provide safe and comfortable travel, and shall have sufficient crown for drainage.

Article 05.03.09 Street Jogs Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

Article 05.03.10 Street Curves Curves in streets shall [*have*] a radius adequate to insure sight distances sufficient to permit a driver to stop safely.

Article 05.03.11 Subdivision with Arterial Streets Where a subdivision abuts or contains an arterial street, the Commission may require such improvements as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. These improvements may include but are not necessarily limited to marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, and deep lots with rear service alleys.

Article 05.03.12 Half Streets Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations and where the Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided.

Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

Article 05.03.13 House Numbers House numbers shall be obtained from the Recorder's office and shown on the preliminary plat. *[may not be the place house numbers are determined in 2007]*

Article 05.03.14 Street Names Names of existing streets shall not be used for new streets and [there] shall be only one (1) name for each street. Street names shall be subject to approval of the Commission. *[and E-911 office]*

Article 05.03.15 Street Signs Street signs are to be placed at all intersections within or abutting the subdivision – the type and location of which is approved by the Commission.

Article 05.04.00 Blocks

Article 05.04.01 Length, With *[sic]* and Shape The length, width and shape of blocks shall be determined with due regard to:

1. Adequate building sites suitable to the type of use contemplated
2. Zoning requirements
3. Needs for convenient access, circulation, control and safety of street traffic
4. Topography

Article 05.04.02 Blocks Blocks shall be large enough to accommodate two (2) tiers of lots and shall be at least two (2) times the width in length.

When a block exceeds six hundred (600) feet in length, the Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk of not less than four (4) feet in width to provide pedestrian access across the block.

Article 05.05.00 Lots

Article 05.05.01 Lot Size and Shape The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Article 05.05.02 Lot Dimensions Lot dimensions shall conform to the requirements of the zoning regulations. Where no zoning ordinance is in effect (i.e., within the planning area outside the corporate limits) the lot dimensions shall be as follows:

1. Residential lot where serve *[sic]* by public sewer shall be not less than seventy (70) feet wide at the building setback line nor less than nine thousand (9,000) square feet in area.
2. Widths and areas of residential lots not served by public sewer shall be determined with respect to soil conditions and state and local health regulations.

Article 05.05.03 Corner Lots Such lots shall have extra width to permit appropriate building setback from and orientation to both streets.

Article 05.05.04 Street Access Each lot shall be provided satisfactory access to a public local service street. Lot fronting or having direct access to an arterial street shall be discouraged.

Article 05.05.05 Double and Reverse Frontage Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial street or to overcome specific disadvantages of topography and orientation.

A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such arterial street or other undesirable use.

Article 05.05.06 Side Lot Lines These lines shall be substantially at right angles or radial to street lines.

Article 05.05.07 Building Setback Lines Where no zoning ordinance is in effect, the front building setback line shall be not less than twenty-five (25) feet and the side line not less than ten (10) feet from an interior property line and not less than 20 feet from a corner property line. The rear building setback line shall not be less than 20 feet.

Article 05.06.00 Easements and Public Dedications

Article 05.06.01 Utilities Easements across lots or centered or read or side lot lines shall be provided where necessary and shall be at least ten (10) feet wide.

Article 05.06.02 Storm Drainage Easements adequate in width shall be provided where necessary for water courses and storm water drainage, and shall include at least twenty (20) feet on both sides of the center line of the water course.

Article 05.06.03 Public Dedication All land held for public use shall be approved by the Commission.

Article 05.07.00 Grades and Profiles

Article 05.07.01 Streets The subdivider shall provide profile sheets indicating present and finished street grades at [*the*] center line of the right-of-way.

Article 05.07.02 Utilities Profile sheets indicating the grades for storm and sanitary sewers shall be submitted when installation of same is required.

Article 05.07.03 Cuts and Fills When cuts and fills are to be made, the subdivider shall present a grade plan.

Article 05.07.04 Topography and Natural Features The Commission shall require a topographic map of the subdivision with a contour interval of five (5) feet for conveying the appropriate and needed topographic information. The subdivider also shall be required to indicate natural features such as drainage ways (creeks, etc.), ponds, trees, etc., on the topographic map.

ARTICLE 06.00.00 IMPROVEMENTS

In order to protect new land owners and to reduce maintenance costs to the City, the subdivider shall provide for the installation of the following improvements at his own expense in accordance with the standards and specifications adopted by the Council.

Article 06.01.00 Procedural Requirements Relative to Improvements

1. **Sketch plat:** no information concerning actual improvements is required.
2. **Plat preparation:** at the time of plat preparation, the subdivider shall prepare the necessary information required in respect to improvements.
3. **Preliminary plat approval:** preliminary plat approval shall be given when plans meeting requirements for improvements are approved.
4. **Final approval:**
5.
 - i) Evidence of installation of improvements in the form of a certificate containing the signatures of the proper official(s) as to compliance.
 - ii) A performance bond on one and one-half (1 ½) times the estimated costs of improvements.
 - iii) A deposit with the City of [*sic*] a sum equal to one and one-fourth (1 ¼) times the estimated cost of improvements. The developer may be permitted to draw on his deposit upon satisfactory completion of various states of his improvements.
6. The appropriate city officials shall be responsible for certifying property installation of required improvements.

Article 06.02.00 Required Improvements Ordinance 122 Public Improvements Program
Article II Priority Schedule for Public Improvements

Article 06.02.01 Water Distribution System

1. Where the Commission determines municipal water is available to the subdivision, each lot in the subdivision shall be served an adequate supply of water from the public water system.
2. The lot shall be considered to be served if a public main abuts any boundary line of the lot, without the necessity of crossing a public or private roadway.

If this condition is not met, the developer shall extend an adequately sized service to the lot, as approved by the City.

3. Water mains shall be installed in accordance with federal, state and city codes and ordinances; specifications available at City Hall.

Article 06.02.02 Sanitary Sewer System

1. Where the Commission determines a municipal sanitary sewer system for waste water disposal is available to the subdivision, each lot in the subdivision shall be provided sanitary sewer service.
2. The lot shall be considered served if a public main abuts any boundary line of the lot without the necessity of crossing a public or private roadway.
If this condition is not met, the developer shall extend an adequately sized service to each lot as approved by the City.
3. Sanitary sewer systems shall be installed in accordance with federal, state and city codes and ordinances; specifications available at City Hall.

Article 06.02.03 Sanitation Where the Commission determines a public water distribution system and sanitary sewer system are not available to the subdivision, then evidence shall be shown by the subdivider that an alternate [*sic*] water supply has been provided and that arraignments have been made for the provisions of satisfactory sewage (waste water) disposal facilities. Such evidence shall include the results of water tests and soil bore test by county and/or state health authorities.

No building permit shall be issued until a final inspection and approval by the county health department is certified and submitted to the enforcement officer.

Article 06.02.04 Storm Water Drainage Where the Commission determines a [*sic*] underground storm water drainage system is available, and connection thereto is feasible, then the entire subdivision shall be provided underground storm water drainage facilities and connected with the existing system.

1. Where an underground storm water drainage system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground drainage system.
2. Where an underground storm water system is not available, then adequate surface storm water drainage facilities shall be installed and connected to the existing surface water drainage system.
3. Where curbs and gutters are not required, adequate culvert pipes shall be provided at all street intersections, driveway approaches, and at other locations considered necessary by the City officials to provide adequate flow of storm drainage water; specifications of related ordinances and regulations are available at City all [*sic*].

4. Diversion of storm water shall be avoided, if at all possible. If storm water is diverted from its natural course, the plat shall show the location of the existing waterway and the location of the proposed channel.
5. A drainage plan shall be provided showing the effects of the diversion of water on all other properties. Drainage that causes adverse effects to other properties shall be abated.

Article 06.02.05 Street Standards Streets shall be installed and surfaced in accordance with right-of-way widths set forth in the Plan----- [sic] in Article 04.03.00 of these regulations. (Article ?????? [sic] and in Ordinance 88-3 Master Street Plan.

Article 06.02.06 Sidewalks Sidewalks may be installed on both sides of the street on all streets except where such sidewalks are deemed unnecessary by the Commission. All sidewalks shall be a minimum of forty-two (42) inches [wide] and shall be located within the street right-of-way at a distance of one (1) feet [sic] from the property line. Ordinance 122 Public Improvements Program Article II Priority Schedule for Public Improvements.

Article 06.02.07 Monuments

1. Concrete monuments four (4) inches in diameter or square and three (3) feet long with one-half (1/2) [inch] metal reinforcing rod running the length of the monument shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision and at all points of the subdivision boundary intersections.
2. Metal rods, three-fourth (3/4) [inches] in diameter and twenty-four (24) inches long shall be placed with the top flush to the ground at each corner of every block or portion of a block at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision at all lot corners.
3. In situations where conditions prohibit the placing of markers in the locations prescribed, offset markers shall be permitted.
4. **It shall be the duty of the enforcement officer to enforce this ordinance and notify the Attorney of the City of any violation or lack of compliance herewith.**

Article 06.03.00 Standards for Improvements and Approval of Plans for Improvements (Ordinance 122 Public Improvements Program, Article II Priority Schedule for Public Improvements)

1. The standards for water, sanitary sewers or sewerage (waste water) disposal, street improvements and storm drainage shall be as adopted by the City.
2. The review and approval of all plans relating to water, sanitary sewers or sewerage (waste water) disposal, street improvements and storm drainage shall be by individuals designated by the City.

ARTICLE 07.00.00 GENERAL

Article 07.01.00 Amendments

For the purpose of promoting the public health, safety, and general welfare, the Council may propose amendments to these regulations imposed by this ordinance. The Commission shall hold a public hearing for which fifteen (15) days advance notice in a local paper of general circulation in the community has been published. Following such hearing, the Council may adopt the amendment(s) as recommended by the Commission.

Article 07.02.00 Variations and Exceptions [updated Zoning Ordinance Article 06.01.04 H]

Hardships Where the Commission finds that extraordinary hardships or particular difficulties regarding the physical development of the land may result from strict compliance with these regulations, the Commission may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variations or exception shall not have the effect of nullifying the intent and purpose of this ordinance; and further providing the Commission shall not recommend variations or exceptions to the regulations of this ordinance unless it shall make findings based on evidence presented in each specific case that:

1. The granting of the variation will not be detrimental to the public health, safety and welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished for a mere inconvenience, if the stricter letter of the regulations were carried out.

Large Scale Developments The standards and requirements of these regulations may be modified in the case of large scale developments when the Commission finds that a plan an [*sic*] program for new neighborhood unit provided adequate public spaces and improvements for the circulation, recreation, light, air and public utilities service needs of the tract when fully developed and which provides such covenants of other legal provisions as will assure conformity and achievement of the plan.

Alternative construction methods, design standards, and required improvements may be approved by the Commission if such methods, improvements and design features are proven to be comparable to the requirements of this ordinance in every respect. For the purpose of securing professional advice and additional reaction to such requested exceptions, the Commission may forward copies to appropriate government agencies.

Article 07.03.00 Appeals Any person, firm or corporation aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom, within thirty (30) days of notification of such objection or rejection of the plat, by presenting to a court of record a petition of mandamus be directed to the Board and Council.

Article 07.04.00 Enforcement

1. No plat of any tract of land within the planning area jurisdiction of the Commission shall be accepted by the Recorder of Deeds of Marion County for filing of record unless the plat has been approved by the Commission. Ordinance 122 Appendix II pg vii Planning Area map. [*amended* _____]
2. No owner or agent of an owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a final plat of said subdivision has been approved by the Commission and the Council in accordance with the provisions of this ordinance, and filed with the Marion County, Arkansas Recorder of Deeds.
3. The subdivision of any lot or any parcel of land by the use of metes and bounds for the purpose of sale or transfer, or lease with the intent of evading this ordinance shall not be permitted. All such described subdivisions shall be subject to all of the requirements and regulations contained in this ordinance. (Article 01.07.00)
4. No building or repair permit shall be issued for the construction or repair of any building or structure located on a lot or plat subdivided or sold in violation of the regulations of this ordinance.
5. No plat of subdivision shall be approved which does not comply with all provisions of this ordinance.

Article 07.05.00 Fees The Council of the City shall set all fees for all applications, permits, plats, amendments or appeals provided for by these regulations to defray costs of advertising, mailing notices, processing, inspecting, copying applications, permits and use permits. (Fee Ordinance //) [*sic*]

Article 07.06.00 Contradictory Regulations Where any contradictory regulations, restrictions or requirements imposed by a provision of this ordinance upon the use of any land, building, structure or improvements are either more restrictive or less restrictive than restrictions or requirements imposed by any other provision of this ordinance or any other law of any governmental body having jurisdiction over the subject matter thereof, those restrictions or requirements which are more restrictive shall apply.

Article 07.07.00 Violations

1. If the enforcement officer shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it.

2. Should the person responsible for such violation fail to take then [*sic*] necessary action to correct it, the enforcement officer shall notify the Council of the violation; said Council shall certify the violation to the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Article 07.08.00 Penalties for Violations Any person, firm or corporation which violates or fails to comply with the provisions of this ordinance or amendments thereto or fail to comply thereafter or with any requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of ordinance violt [*sic*] with penalties not to exceed one hundred (\$100.00) dollars for each offense nor no less than twenty-five (\$25.00). Each day that a violation of this ordinance shall be permitted to continue shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of the ordinance shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

Article 07.09.00 Repealer This ordinance expressly deletes Article XI, Chapters 1 through 7 of Ordinance 122, and amending Ordinance 122, all amendments thereto, and all other ordinances or part thereof insofar as they conflict with the provisions thereof.

Article 07.10.00 Severability If any court of competent jurisdiction shall adjudge invalid the application of any provisions of any section, paragraph, phrase or part of this ordinance to a particular subdivision of land, such judgment shall not affect the validity of the remaining provisions of this ordinance and the applications thereof to any other persons, circumstances, or any other subdivision of land not specifically included in said judgment.

Article 07.11.00 Effective Date These regulations shall take effect and be in full force immediately from and after the date of their adoption, the public health, safety and general welfare so demanding.

Article 07.09.00 [*sic* – Article 07.12.00] That this ordinance is necessary for:

1. The present and future growth of the City of Bull Shoals and the corporate boundaries and territorial jurisdiction as amended;
2. For the subdivision of land in the City, which will create a harmonious and planned community under the Bull Shoals Sesquicentennial Comprehensive Development Plan Land Subdivision Regulations [*sic*] which shall be for the peace and preservation of the citizens and Bull Shoals, Arkansas;
3. To provide ample open space and preserve amenities;
4. And that this ordinance shall be published in pamphlet form as provided by law;

An emergency exists and this ordinance shall be in full force and effect from and after adoption, signing, approval and publication as provided by law.

Article 08.00.00 Adoption Adopted and recommended to the Bull Shoals City Council by the Bull Shoals Planning Commission.

Robert T. Beard
Chair Person

Earline Eddins
Secretary

Passed and adopted this 22nd of January, 19 1996 [*sic*]

Bob Doolin
Mayor

Attest:
Della ?
Recorder

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