

# **MUNICIPAL CODE**

**A Code of the General Ordinances  
of the city of Shannon Hills, Arkansas**

**Date of Incorporation**

**August 25, 1977**

**Date of Codification**

**December 2011**

Prepared with  
assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

P. O. Box 38  
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North Little Rock, Arkansas 72115  
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# **SHANNON HILLS MUNICIPAL OFFICIALS**

## **At The Time Of This Code's Preparation**

|                                 |                       |                          |
|---------------------------------|-----------------------|--------------------------|
| <b>Mayor</b>                    | <b>Mike Kemp</b>      |                          |
| <b>Recorder</b>                 | <b>Sandra Vosburg</b> |                          |
| <b>Treasurer</b>                | <b>Carol Pessa</b>    |                          |
| <b>City Attorney</b>            | <b>Patrick Benca</b>  |                          |
| <b>District Judge</b>           | <b>Curtis Rickerd</b> |                          |
| <b>Police Chief</b>             | <b>Bobby Hale</b>     |                          |
| <b>Fire Chief</b>               | <b>Mel Aldridge</b>   |                          |
| <b>Director of Public Works</b> | <b>David Passmore</b> |                          |
| <b>Aldermen</b>                 | <b>Brenda McCann</b>  | <b>Sue Skipper</b>       |
|                                 | <b>James Frala</b>    | <b>Gervous Lambright</b> |
|                                 | <b>Scott Bennett</b>  | <b>Toni Cobb</b>         |



ORDINANCE NO. \_\_\_\_\_

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

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
SHANNON HILLS, ARKANSAS:**

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Shannon Hills 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 Shannon Hills 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 Shannon Hills to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

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

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

Approved and passed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Recorder/Treasurer



## LEGAL NOTICE

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

Pursuant to A.C.A. 14-55-206 three copies of the Shannon Hills Municipal Code are on file in the office of the Mayor 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 Shannon Hills Municipal Code is a codification of the general ordinances of the city of Shannon Hills, 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 Shannon Hills.

**ARKANSAS MUNICIPAL LEAGUE  
CODE SERVICE**

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# **TITLE 1**

## **GENERAL PROVISIONS**

### **Chapters:**

- 1.04 Code Designated and Cited
- 1.08 Rules of Construction
- 1.12 Subheadings of Sections
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- 1.20 Severability of Parts of Code
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### **CHAPTER 1.04**

#### **CODE DESIGNATED AND CITED**

### **Sections:**

- 1.04.01 Code designated and cited

1.04.01 Code designated and cited The ordinances embraced in the following chapters and sections shall constitute and be designated "Shannon Hills 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 set forth 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 Shannon Hills, 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 Shannon Hills, Arkansas.

**COUNTY.** The words "**the county**" or "**this county**" shall mean the county of Saline, 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 Shannon Hills, 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**".

**OTHER CITY OFFICIALS OR OFFICERS.** References made to officials, boards, commissions, departments, etc., by title only shall be deemed to refer to the officials, boards, commissions and departments of the city of Shannon Hills, 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.

**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 Shannon Hills, 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.

## **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 Shannon Hills, 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 or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity 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 manner, if substantially similar language is used: "That section \_\_\_\_\_ of the Shannon Hills 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 or substantially similar language may be used: "That the Shannon Hills 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. In the alternative, if an ordinance is repealed by reference to its ordinance number, then the code section, title, chapter or provision setting forth the words of the repealed ordinance shall be deemed to have been repealed and shall be omitted from this code.

## **CHAPTER 1.28**

### **ALTERING CODE**

#### **Sections:**

#### **1.28.01      Altering code**

**1.28.01   Altering code** Any ordinance and any portion of this code shall be repealed or amended only by an ordinance duly passed by the governing body of the city of Shannon Hills, or by a vote of the qualified electors as provided in the Constitution or the laws of the state of Arkansas. 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 which shall cause the law of the city of Shannon Hills, 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** Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) or double that sum for each repetition of such offense or violation and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of



continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law.

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

## **CHAPTER 1.36**

### **REFERENDUM PETITIONS**

#### **Sections:**

- 1.36.01 Filing date
- 1.36.02 Decision of Council
- 1.36.03 Special election
- 1.36.04 Defeated ordinance

**1.36.01 Filing date** All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas, appearing at pages 1076 to 1084, inclusive of the Acts of the General Assembly of the state of Arkansas of the year 1925, must be filed with the Recorder/Treasurer within thirty (30) days after passage and publication of any such ordinance. (Ord. No. 94-1, Sec. 1.)

**1.36.02 Decision of Council** 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 questions of whether such petition is signed by the requisite number of petitioners and whether petition is otherwise legally sufficient. At the time named, the City Council shall meet and hear all who wish to be heard on the questions, and its decision shall be final, unless suit is brought in the Chancery Court of Saline County, within thirty days to review its action. (Ord. No. 82-1, Sec. 2.)

**1.36.03 Special election** If the City Council finds that such petition is signed by the requisite number of petitioners and that it is otherwise legally sufficient, 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 not 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 general municipal elections held in the city of Shannon Hills, Arkansas. (Ord. No. 82-1, Sec. 3.)

**1.36.04 Defeated ordinance** If any ordinance referred to the people as defeated at the polls, the City Council shall make a note of such fact and shall expunge such ordinance from its files by obliterating the same with red ink. (Ord. No. 82-1, Sec. 4.)

**TITLE 2**  
**CLASSIFICATION, ADMINISTRATION**  
**AND PERSONNEL**

Chapters:

- 2.04 Ward Boundaries
- 2.08 Social Security Coverage
- 2.12 City Council
- 2.16 City Hall Security
- 2.20 Mayor
- 2.24 Recorder/Treasurer
- 2.28 Water Department Secretary/City Secretary
- 2.32 City Attorney
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- 2.40 Police Department
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- 2.48 District Court
- 2.52 City Documents; Freedom of Information
- 2.56 Personnel Policies

**CHAPTER 2.04**  
**WARD BOUNDARIES**

Sections:

- 2.04.01 Ward boundaries

2.04.01 Ward boundaries The city shall be split into three (3) wards in a manner that maintains close to the same number of dwellings in each ward. The boundaries of each ward shall be those set down in this ordinance:

**Ward One** shall be that area east of Otter Creek and is comprised of one hundred ninety-four (194) dwellings. Also included is that area annexed to the city by Ord. No. 87-8 which includes one dwelling. (See Title 14, Annexing) (Ord. No. 88-1, Sec. 1.)

**Ward Two** shall be that area west of Otter Creek, bounded on the north by the Saline/Pulaski County line, on the south by a straight line drawn from the west side of Otter Creek along the southerly lot lines of the lots on the south side of Morningside Drive and on the west by the AP&L right-of-way, comprised of one hundred ninety-five (195) dwellings.

**Ward Three** shall be that area west of Otter Creek, bounded on the south by the city limits, on the north by the south side of Ward Two, and shall include that are of the city west of the AP&L right-of-way, comprised of one hundred seventy-nine (179) dwellings. Also included is that area annexed to the city by Ord. No. 87-11 which does not include any dwellings. (See Title 14, Annexing) (Ord. No. 88-1, Sec. 2.)

## **CHAPTER 2.08**

### **SOCIAL SECURITY COVERAGE**

#### **Sections:**

- |         |                              |
|---------|------------------------------|
| 2.08.01 | Contract                     |
| 2.08.02 | Withholding taxes from wages |
| 2.08.03 | City to match withholding    |

2.08.01 Contract The Mayor and the Recorder/Treasurer of the city of Shannon Hills, Arkansas, are hereby authorized and directed to enter into an agreement with the state of Arkansas for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the Federal Social Security Act. (Ord. No. 80-2, Sec. 1.)

2.08.02 Withholding taxes from wages Commencing January 1, 1980, each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act. (Ord. No. 80-2, Sec. 2.)

2.08.03 City to match withholding Commencing January 1, 1980, there is hereby appropriated from the general fund of the city of Shannon Hills, Arkansas, the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act. (Ord. No. 80-2, Sec. 3.)



## CHAPTER 2.12

### CITY COUNCIL

#### Sections:

- 2.12.01 Regular meetings
- 2.12.02 Agenda for a regular meeting
- 2.12.03 Special meetings
- 2.12.04 Agenda meetings
- 2.12.05 Attendance at meetings
- 2.12.06 City Council and Mayor purchasing city equipment

#### 2.12.01 Regular meetings

- A. The meeting of the Shannon Hills City Council shall be held on the second Tuesday of each month at 6:30 p.m. in City Hall. In the event that City Hall is not available, Fire Station #2 will be used as a meeting place. (Ord. No. 2004-6, Sec. 1.)
- B. All City Council meetings shall be open to the public with notification of such meeting made. (Ord. No. 2004-6, Sec. 2.)
- C. In order to make City Council meetings orderly and less time consuming, citizens wishing to address the body of the City Council will have a maximum of ten (10) minutes per subject/item to address a particular issue. Speakers on the floor shall limit their remarks to a three (3) minute time limit addressing the subject or item on the floor. If more than three (3) citizens wish to address the same subject, the number of speakers will be divided evenly within the ten (10) minute time frame.

Once a subject/item is brought to the table, the order of discussing will be as follows: First, the floor will be opened for the citizens of Shannon Hills to discuss the subject/item in accordance with Section 1 herein. Second, Council members will discuss openly the particular subject/item. Lastly, a vote on the subject/item will be taken. (Ord. No. 2001-7, Secs. 1-2.)

#### 2.12.02 Agenda for a regular meeting

- A. The Mayor of the city of Shannon Hills, Arkansas, shall, with the agenda for the regular Council meeting, provide to the City Council of Shannon Hills, Arkansas, a listing of all expenditures, receipts, and balances of all checking accounts as of the end of the preceding month.

- B. The report of the expenditures and receipts shall be considered part of the agenda and may be brought to the floor by the Mayor or any Councilmember for discussion.
- C. The Mayor of the city of Shannon Hills, Arkansas, shall provide the agenda to the residences of each member of the City Council of the city of Shannon Hills, Arkansas, by no later than 7:00 p.m. on or prior to the Thursday before the regular Council meeting. (Ord. No. 91-4, Secs. 1-3.)

#### 2.12.03 Special meetings

- A. Whenever the Mayor or any three (3) Council members shall sign a notice requesting a special or emergency meeting to address an emergency or special issue, it shall be the duty of the Mayor to call such meeting in accordance with the request of the three (3) Council members.
- B. The only business transacted at a special or emergency meeting shall be that stated on the summons for a special or emergency meeting.
- C. This ordinance shall adopt the requirements of A.C.A. 25-19-106 to comply with the Freedom of Information notification requirement of two (2) hours' notice before the established time of any special or emergency meeting. (Ord. No. 99-27, Secs. 1-3.)

#### 2.12.04 Agenda meetings

- A. From and after September 1, 2001, all regular agenda meetings for the city of Shannon Hills shall be held on the fourth (4<sup>th</sup>) Tuesday of each and every month at 7:00 p.m. (Except it shall be held the third (3<sup>rd</sup>) Tuesday in December due to Christmas.) (Ord. No. 2001-10, Sec. 1.)
- B. The purpose of the agenda meeting will be for the Council to consider what items will be on the agenda for the coming City Council meeting. This meeting is simply to discuss topics that will be on the next City Council meeting agenda. No city business will be transacted, as this will be reserved for discussion at the ordinary City Council meeting or special meeting, if applicable.
- C. The same rules set out in Ord. No. 2001-7 regarding how Council meetings should be conducted will apply. (Ord. No. 2001-8, Secs. 3-4.)

#### 2.12.05 Attendance at meetings

- A. Any Alderman who fails to attend three (3) consecutive Council meetings shall be removed from office.



- B. All vacancies in the office of Alderman shall be filled in the manner prescribed by law.
- C. Any Alderman who will not be able to attend a Council meeting due to hospitalization, or other reason beyond their control may notify the Mayor in advance of the meeting.
- D. The Mayor shall notify the City Council at the meeting of the notice given by a Alderman who will not be in attendance.
- E. The City Council may, at their discretion, excuse the absence of an Alderman at the time it is made known to them, but not at any time thereafter. (Ord. No. 2010-6, Secs. 1-5.)

2.12.06 City Council and Mayor purchasing city equipment

- A. The city of Shannon Hills City Council, wanting to create and maintain the zenith of integrity, agrees not to purchase or any member of their immediate family purchase any city equipment, property or other items the city may have for sale, until said item or property has been advertised in a newspaper (*Benton Courier* or *Arkansas Democrat-Gazette*) three (3) times and announced in a Mayor's newsletter mailed with the monthly water bills.
- B. The city of Shannon Hills City Council, wanting to further stress the integrity of the Council, agrees that in no case will the Mayor or any member of the City Council bid or otherwise purchase equipment, property or other items offered for sale, until a period of thirty-one (31) days have passed and the item for sale has been mentioned at a minimum of two (2) City Council meetings.
- C. The city of Shannon Hills City Council, wanting to further stress the integrity of the city government, agrees that the Mayor or any Department Head cannot hire, transfer, promote or temporarily assign any employee into a position where said employee would be directly supervised by or work with a relative related by blood or marriage. (Ord. No. 99-1.)



## CHAPTER 2.16

### CITY HALL SECURITY

#### Sections:

- |         |                        |
|---------|------------------------|
| 2.16.01 | Secure building        |
| 2.16.02 | Supervision            |
| 2.16.03 | Freedom of Information |
| 2.16.04 | Open offices           |

2.16.01 Secure building At no time shall the City Hall or any other city building of Shannon Hills, Arkansas, whether locked or unlocked, or any other property of the city, be left unattended, by any city official or city employee while a non-city individual is present in such location, whether they be assigned to, and accepted by the city, to perform community service, volunteer work, or any other non-employee or non-city official work and regardless of the reason or title given the non-city individual who is left in control of such building, premises, or city property. (Ord. No. 99-30, Sec. 1.)

2.16.02 Supervision All such non-city individuals within the city buildings or premises will at all time be under the direct control, supervision, and responsibility of the city personnel or official who is in charge at such location. With respect to City Hall, it is the Mayor's responsibility to assure such supervision and security occurs. (Ord. No. 99-30, Sec. 2.)

2.16.03 Freedom of Information At no time shall such individuals be given, or allowed to obtain, unfettered and unsupervised access to the monies, property, or the records of the city, computerized or otherwise, all of which may contain non-public, personnel, or otherwise sensitive information. Any request for any information by such individual must be made pursuant to a valid Freedom of Information request and complied with in such lawful manner. (Ord. No. 99-30, Sec. 3.)

2.16.04 Open offices Whenever possible, the officials and employees of City Hall and other city department should stagger lunch times and other absences from the city facilities and offices to maximize the convenience to the public and citizens of Shannon Hills. (Ord. No. 99-30, Sec. 4.)

## CHAPTER 2.20

### MAYOR

#### Sections:

|         |                          |
|---------|--------------------------|
| 2.20.01 | Authority                |
| 2.20.02 | Employee grievance       |
| 2.20.03 | Decision of City Council |
| 2.20.04 | Fundraisers              |

2.20.01 Authority The Department Head and the Mayor shall have sole and exclusive power over the selection, hiring, firing, discipline and oversight of conduct and day-to-day instructions of non-elected city employees. (Ord. No. 2001-5, Sec. 1.)

2.20.02 Employee grievance At any time, the city employee has a grievance concerning treatment, harassment, job assignments, salary, discipline (including discharge) or any other problem that cannot or will not be resolved by the Department Head or the Mayor, the grievance can be brought before the City Council. The City Council (acting as a grievance committee) will meet with the aggrieved employee within ten (10) days of a complaint being made to the City Council. (Ord. No. 2001-5, Sec. 2.)

2.20.03 Decision of City Council After both sides of the issue have been explained to the satisfaction of the City Council, a decision will be made and that decision shall be considered final. The City Council will have a maximum of five (5) business days to render a decision. The Department Head and/or the Mayor shall take no action to circumvent the final decision of the City Council and shall take no action that even has the appearance of retaliation against the complainant. (Ord. No. 2001-5, Sec. 3.)

#### 2.20.04 Fundraisers

- A. The Mayor shall be authorized to organize fundraisers in the name of the city of Shannon Hills, Arkansas.
- B. All fundraisers will be conducted during city-sanctioned events approved by the City Council.
- C. Prior to a fundraiser taking place, the City Council and citizens of Shannon Hills, Arkansas, shall be notified of such an event.
- D. Prior to a fundraiser taking place the City Council and citizens of Shannon Hills, Arkansas, shall be advised of the fundraiser's intended purpose, i.e., what is to be purchased with the monies raised.
- E. Monies raised shall be documented. (Ord. No. 99-15, Secs. 1-5.)

## CHAPTER 2.24

### RECORDER/TREASURER

#### Sections:

- 2.24.01      Separate positions
- 2.24.02      Duties of Recorder

2.24.01 Separate positions Effective January 1, 2009, the position of Recorder/Treasurer will become two separate jobs performed by two separate people. The position of Recorder will be an elected position that becomes effective January 1, 2009. The Treasurer will be a part-time city employee position that becomes effective January 1, 2009. (Ord. No. 2008-1, Sec. 1.)

2.24.02 Duties of Recorder The Recorder will act as secretary at all City Council meetings and produce minutes of said meetings. Per Arkansas state law, the Recorder will act as Chairman of any City Council meeting where the Mayor is not in attendance for any reason. (Ord. No. 2008-1, Sec. 2.)

## CHAPTER 2.28

### WATER DEPARTMENT SECRETARY/CITY SECRETARY

#### Sections:

- 2.28.01      Positions
- 2.28.02      Authority
- 2.28.03      Employee grievance
- 2.28.04      Decision of City Council

2.28.01 Positions The position of Water Department secretary and the position of city secretary shall be combined into one (1) full-time hourly clerical position called the City Administrative Assistant and one (1) employee will perform this job. The Water Department shall pay the employee's salary. The City Administrative Assistant will work under the supervision of the Water/Sewer/Street Manager (hereinafter "Department Head") and the Mayor. (Ord. No. 2001-3, Sec. 1.)



2.28.02 Authority The Department Head and the Mayor shall have sole and exclusive power over the selection, hiring, firing, discipline and oversight of conduct and day-to-day instructions of City Administrative Assistant. (Ord. No. 2001-3, Sec. 2.)

2.28.03 Employee grievance At any time, the above-described employee has a grievance concerning treatment, harassment, job assignments, salary, discipline (including discharge) or any other problem that cannot or will not be resolved by the Department Head and/or the Mayor, the grievance can be brought before the City Council. The City Council will meet with the aggrieved employee within ten (10) days of a complaint being made to the City Council. (Ord. No. 2001-3, Sec. 3.)

2.28.04 Decision of City Council After both sides of the issue have been explained to the satisfaction of the City Council, a decision will be made and that decision shall be considered final. The City Council will have a maximum of five (5) business days to render a decision. The Department Head and/or the Mayor shall take no action to circumvent the final decision of the City Council and shall take no action that even has the appearance of retaliation against the complainant. (Ord. No. 2001-3, Sec. 4.)

## CHAPTER 2.32

### CITY ATTORNEY

#### Sections:

- 2.32.01 City Council meetings
- 2.32.02 Compensation

2.32.01 City Council meetings There exists a need for the City Attorney for the city of Shannon Hills, Arkansas, to attend the regular meetings of the City Council each month, and any other special or emergency meetings of the Council, when requested to do so by three (3) or more members of the City Council. This attendance will help to assure that the actions of the city are in compliance with city, state, or federal law, same being not only required of the city, its official, and employees, on behalf of its citizens and community but also to avoid expense and litigation whenever possible and thereby exhibiting sound fiscal judgment and constitutional requirements pursuant to law. To assist the City Attorney with these objectives, he shall be provided with both a copy of each agenda for said meeting(s) with proposed ordinances attached, if applicable to such meeting. (Ord. No. 99-14, Sec. 1.)

2.32.02 Compensation The City Council finds that the rate of compensation agreed to by the Mayor and City Council is acceptable. The amount agreed upon should be a flat rate of

Four Thousand Dollars (\$4,000.00) per budget year for attendance and counsel at all meetings of the City Council and all other areas, which may need to be presented to the City Attorney. This amount is in addition to the ordinary salary received for representing the city in the District Court of Shannon Hills, Arkansas. (Ord. No. 2001-6, Sec. 1.)

## **CHAPTER 2.36**

### **LOPFI**

#### **Sections:**

- 2.36.01 LOPFI coverage
- 2.36.02 Administrator

2.36.01 LOPFI coverage If accepted by LOPFI, the administration of the retirement program coverage for all Shannon Hills Fire Pension and Relief Fund participants shall be transferred to LOPFI under authority of Act 364 of 1981, as amended, and including other Acts of the State Legislature, provided that such retirement coverage for said pension fund participants shall mean the administration of that fund only and not a change in the pension fund's benefit program. (Ord. No. 2004-8, Sec. 1.)

2.36.02 Administrator The Chief Administrative Officer is hereby authorized to enter into an agreement with LOPFI to administer the Shannon Hills Fire Pension and Relief Fund as stated in 2.36.01. (Ord. No. 2004-8, Sec. 2.)

## **CHAPTER 2.40**

### **POLICE DEPARTMENT**

#### **Sections:**

- 2.40.01 Established
- 2.40.02 Location of arrests

#### **2.40.01 Established**

- A. The Marshal's Department is hereby to be entitled the Shannon Hills City Police Department.

- B. The Police Department will now follow the code sections outlined in the A.C.A. as a Police Department of the city of the first class. (Ord. No. 2002-5, Secs. 1-2.)

2.40.02 Location of arrests

- A. State, county and local police are hereby authorized to enter upon the parking areas of private business establishments and to discover, investigate, and effect the arrest of persons thereon violating any state law or city ordinance to the same extent as if such persons were upon the public streets of the city.
- B. The authorization in (A) above also applies to all private streets within the city of Shannon Hills that are open for public use when such a use is thereupon engaged, to all quasi public and quasi private establishments such as schools and churches who have streets not dedicated to the city that are at any time open to public traffic when such a use is being made thereof, and to any and all other roads, streets and highways, privately owned that are at any time open to the public when such a use is being made thereon. (Ord. No. 99-9, Secs. 1-2.)

**CHAPTER 2.44**

**ANTI-BIAS POLICING POLICY**

Sections:

- |         |  |
|---------|--|
| 2.44.01 | Purpose  |
| 2.44.02 | Prohibition and prevention of racial/bias profiling; departmental policy |
| 2.44.03 | Definitions  |
| 2.44.04 | Field officer responsibilities   |
| 2.44.05 | Supervisor responsibilities  |
| 2.44.06 | Allegations of biased law enforcement practices                          |
| 2.44.07 | Review and reporting requirements  |
| 2.44.08 | Documentation and record keeping   |
| 2.44.09 | Training   |
| 2.44.10 | Communication to the community of this policy                            |
| 2.44.11 | Retaliation  |
| 2.44.12 | Use of mobile video/audio recording (MVR) equipment                      |
| 2.44.13 | Application  |



#### 2.44.01 Purpose

- A. Members of this law enforcement agency shall not violate the constitutional rights of persons, regardless of race, ethnicity, national origin or religion (note that other statements may be included in your policy as deemed appropriate by the particular law enforcement agency; these include but are not limited to: color, creed, gender, age, sexual orientation, disability or any other belief system).
- B. This policy serves to
  - 1. Re-affirm this law enforcement agency's commitment to unbiased law enforcement practices,
  - 2. Further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and
  - 3. Re-enforce procedures that assure the public this agency is providing service and enforcing laws in an equitable and lawful fashion (Ord. No. 2004-1, Sec. 1.)

#### 2.44.02 Prohibition and prevention of racial/bias profiling; departmental policy

- A. Law enforcement officers of this agency shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law enforcement activity as defined by this policy.
- B. It shall be the policy of this law enforcement agency that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the United States and Arkansas Constitutions as well as federal and state law.
- C. Law enforcement officers of this agency shall be prohibited from utilizing race, ethnicity, national origin or religion as the sole factors in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect. (Ord. No. 2004-1, Sec. 2.)

#### 2.44.03 Definitions

**Probable cause** means that set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows and would warrant an ordinary prudent person in believing that a particular person has committed, is threatening, or is about to commit some criminal violation of the law. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

**Reasonable suspicion** means a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

**Reasonable cause to believe** means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements. This definition is subject to applications and precision made by the federal and state courts interpreting applicable law.

**Reasonable belief** means a belief based on reasonable cause to believe. This definition is subject to applications and precision made by the federal and state courts interpreting applicable law. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

**Racial profiling** means the practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law. (Ord. No. 2004-1, Sec. 3.)

#### 2.44.04 Field officer responsibilities

- A. Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
- B. Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause and in doing so shall not violate this policy.
- C. Upon initial contact, and when feasible and reasonable to do so, each law enforcement officer shall provide his or her full name, written identification, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information again when feasible and reasonable to do so.



- D. When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each law enforcement officer shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning, or a citation.
- E. In an effort to minimize conflict during interactions with accused violators when stopping and or detaining persons, it is recommended that officers attempt, where feasible and reasonable, to:
1. Extend a customary greeting to each person such as: "Good morning, afternoon or evening."
  2. Identify themselves by name. For instance: "I am Officer Smith of the \_\_\_\_ Law Enforcement Agency."
  3. Explain the reason for the stop or detention: "I stopped you because \_\_\_\_"
  4. Listen politely and give the accused ample opportunity to tell his or her story and explain his or her behavior.
  5. Politely ask for identification and any required documents: "May I please see your driver's license, registration, and proof of motor vehicle insurance?"
  6. Complete paperwork and advise driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result, such as pay a fine, obtain a court hearing, etc.
  7. Extend a departing pleasantry such as: "Please drive safely or thank you for your cooperation."
  8. Make sure the driver is able to merge safely back into traffic.
  9. Remain courteous and project a professional demeanor during the interview, questioning or contact.
  10. Officers shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial/bias-related profiling, including, but not limited to, racial slurs or derogatory references about a minority group.
  11. Officers shall report any acts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.  
(Ord. No. 2004-1, Sec. 4.)

#### 2.44.05 Supervisor responsibilities

- A. Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this policy and are operating in compliance with the procedures herein.
- B. Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her field officers, either on the scene or by telephone and documenting same in writing using departmentally approved forms.
  - 1. If the complaint is not resolved, and forms have not already been filled out, the supervisor shall offer to provide the complainant a Citizen Complaint Form.

If the supervisor arrives at the scene of the allegation, then she/he shall provide a Citizen Complaint Form and collect the mobile video/audio recording (MVR) tape, if applicable, from the field officer.
  - 2. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explain the department's policy and in particular the investigative process.
- C. Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
  - 1. Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the agency head or his or her designee or to the Internal Affairs Unit, if applicable.

Written reports shall be completed within twenty-four (24) hours of filing by complainant.
  - 2. Evaluate, copy, and submit a written report to the agency head or his or her designee detailing the review of the MVR tape, if applicable.
    - a. Each supervisor shall maintain a copy of the MVR tape, if applicable, and written report prior to submitting to the agency head or his or her designee or the Internal Affairs Unit.
    - b. The written MVR Tape Report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the agency head or his or her designee or the Internal Affairs Unit for investigation. (Ord. No. 2004-1, Sec. 5.)



#### 2.44.06 Allegations of biased law enforcement practices

- A. When accused of biased law enforcement practices, the field officer shall first contact their immediate supervisor for advisement on the situation.
  - 1. When practical to do so, the supervisor shall report to the scene to mediate the situation.
  - 2. Field officers shall provide complainant(s) with the full name and telephone number of his or her immediate supervisor, and the contact name and telephone number of the agency head or his or her designee, or the supervisor of the Internal Affairs Unit, if applicable.
  - 3. Field officers shall complete a written report detailing the incident, the allegation(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her supervisor.
- B. Along with their written report, field officers shall submit the MVR tape containing the encounter in question, if applicable, to his or her supervisor.
- C. All allegations of biased law enforcement practices shall be investigated by the department in a like and consistent manner. (Ord. No. 2004-1, Sec. 6.)

#### 2.44.07 Review and reporting requirements

- A. Management of this law enforcement agency shall implement a systematic review process to generate quarterly analyses of the statistical information collected from the Citizen Complaint Form.
- B. These analyses shall identify allegations specific to biased law enforcement practices.
- C. If a pattern is identified, the agency head or his or her designee or the Internal Affairs Unit, if applicable, shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and/or other department policies and procedures.
- D. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, including but not limited to termination, in a timely manner. (Ord. No. 2004-1, Sec. 7.)

#### 2.44.08 Documentation and record keeping

- A. Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:
  - 1. A physical description of each person detained as a result of the stop, including:
    - a. the person's gender; and
    - b. the person's race or ethnicity.
  - 2. The traffic law or ordinance alleged to have been violated or the suspected offense.
  - 3. Whether the officer conducted a search as a result of the stop, and if so, the basis for that search: consent of the person detained, existence of probable cause, frisk for weapons, or other;
  - 4. Whether any contraband was discovered in the course of the search and the type of contraband discovered;
  - 5. Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
  - 6. The street address or approximate location of the stop;
  - 7. The date and time of the stop; and
  - 8. Whether the officer issued a warning or a citation as a result of the stop.
- B. Every year, no later than April 1, this law enforcement agency will compile the above information relating to the race/ethnicity of individuals stopped.
- C. The information will be reported in a format that may include, but is not limited to, the reporting of the data in numerical and/or percentage categories of ethnicity, stops, reasons for the stops, searches resulting from the stops, disposition of the stops, and the duration of the stops.
- D. This law enforcement agency shall also compile data on individual officers to be used in evaluation and as an early warning system for possible racial/bias profiling.



- E. The date and documentation collected pursuant to this general order shall not constitute prima facie evidence of racial profiling or any other violation of civil rights or of state or federal law. (Ord. No. 2004-1, Sec. 8.)

2.44.09 Training Training in compliance with A.C.A. 12-12-1404 and regarding this policy. This training shall include:

- A. Training of all current and future agency employees as to this policy and the prohibition against racial/biased profiling;
- B. Annual in-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
- C. Input from those classes of persons identified in the agency policy in development of curriculum; and
- D. Specific lesson plans for patrol officers, supervisors, etc.
- E. A review of the agencies' operating procedures that implement the prohibition against racial profiling and the affirmation by agency employees that they have copies of, understand, and are following the policy, and
- F. If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community. (Ord. No. 2004-1, Sec. 9.)

2.44.10 Communication to the community of this policy

- A. This law enforcement agency shall be responsible for providing public information relating to the agency's efforts to comply with government mandates on racial profiling. This will include public education relating to the agency's complaint process. Avenues for this information may be, but not limited to, any of the following:
  - 1. Pamphlets developed by the agency;
  - 2. Public service announcements concerning this policy and additional outreach efforts on local radio stations, television stations and local newspapers;
  - 3. Community meetings and public forums in which bias/racial profiling is discussed, and
  - 4. News/press releases.

- B. Where appropriate to meet the goals of this policy, communication of this policy with the community shall be available in English and in Spanish. (Ord. No. 2004-1, Sec. 12.)

2.44.11 Retaliation

- A. No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.
- B. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to dismissal. (Ord. No. 2004-1, Sec. 11.)

2.44.12 Use of mobile video/audio recording (MVR) equipment If MVR equipment is available within the law enforcement agency, please refer to Section 100.0, the Use of Mobile Video and Audio Recording Equipment in Vehicles. (Ord. No. 2004-1, Sec. 12.)

2.44.13 Application This order constitutes agency policy and is not intended to enlarge the employee's existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party. (Ord. No. 2004-1, Sec. 13.)

**CHAPTER 2.48**

**DISTRICT COURT**

Sections:

- |         |                            |
|---------|----------------------------|
| 2.48.01 | District Court established |
| 2.48.02 | Official change            |
| 2.48.03 | City Court Clerk           |

2.48.01 District Court established It is the will of the Shannon Hills City Council to abolish the Shannon Hills City Court now and forever and voluntarily create the Shannon Hills Division of the Saline County District Court. The Four Thousand Dollars (\$4,000.00) paid to the City Judge will be paid to the Arkansas Administrative Court to help pay the county's portion of the District Judge's salary. (Ord. No. 2007-6, Sec. 1.)



2.48.02 Official change The date for the official change from City Court to District Court will be set by state law and the Honorable Mike Robinson, District Judge for the Benton Division of the Saline County District Court. It is understood and agreed to by all parties that the Shannon Hills Division of the Saline County District Court will not, for any reason, be absorbed by or become a part of another court division in Saline County. The Shannon Hills Division of the Saline County District Court will always be a District Court housed and conducted inside the corporate limits of Shannon Hills, Arkansas. (Ord. No. 2007-6, Sec. 2.)

2.48.03 City Court Clerk

- A. The City Judge and the Mayor shall have sole and exclusive power over the selection, hiring, firing, discipline and oversight of conduct and day-to-day instruction of the City Court Clerk.
- B. The position of city Court Clerk is one requiring specialized training and experience. This salaried position will have a base pay of Five Thousand Dollars (\$5,000.00) annually for a new hire with relevant education and past work experience. Any new hire without relevant training and experience may be hired at a lower salary. Expenses borne by the city for additional training or course-work relevant to this position are subject to prior approval.
- C. The understanding exists that although this position is part-time with flexible hours, the City Court Clerk will work on days the City/Water Department Secretary is scheduled to be off when possible. Any hours of coverage for the Secretary in excess of twenty (20) hours per two-week pay period will be paid at an hourly rate of \$8.90. The city shall attempt to use the Welfare to Work program in lieu of the Court Clerk when Water Department Secretary is scheduled to be off for more than one day.
- D. At any time, the above-described employee has a grievance concerning treatment, harassment, job assignments, salary, discipline (including discharge) or any other problem that cannot or will not be resolved by the City Judge and/or the Mayor, the grievance can be brought before the City Council.
- E. After both sides of the issue have been explained to the satisfaction of the City Council, a decision will be made and that decision shall be considered final. The City Council will have a maximum of five (5) business days to render a decision. The City Judge and/or the Mayor shall take no action to circumvent the final decision of the City Council and shall take no action that even has the appearance of retaliation against the complainant.
- F. The City Judge shall have exclusive power over the hiring and firing of the employee holding the City Court Clerk position. The City Court Clerk shall work under the supervision of the City Judge and the Mayor. The City Court Clerk

shall never be considered under the supervision of the City Marshal, a member of the Marshal's office in violation of A.C.A. 16-10-208 as prohibited by law, and nothing in this ordinance shall be construed to violate such statutory prohibition. (Ord. No. 2001-2, Secs. 1-6.)

- G. It is the will of the City Council of Shannon Hills, Arkansas, that Stacey Cook serve as Court Clerk/Deputy Court Clerk for the Shannon Hills City Court/District Court as authorized by the court's sitting judge. Since the Court Clerk works part-time, the city secretary, the Recorder/Treasurer and the Mayor are recognized as Deputy Court Clerks for the purpose of taking fine payments and looking up cases in the court computer for defendants.
- H. It is the will of the City Council of Shannon Hills, Arkansas, that the two (2) co-signers of the bond and fine account will be the Court Clerk and the Mayor. In the absence of the Mayor or Court Clerk, (if needed), the Recorder/Treasurer can be the second co-signer. (Ord. No. 2007-9, Secs. 1-2.)

#### 2.48.04 Fines

- A. It is in the best interest and welfare of the citizens of Shannon Hills and Saline County, Arkansas, that an additional fund of Twenty Dollars (\$20.00) be levied and collected from each defendant who pleads guilty of nolo contendere to, or is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Courts of Saline County.
- B. The Arkansas General Assembly provided that it is the intent of Act 209 of 2009 that revenues derived from the additional fines levied under the authority of said Act shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of detention facilities.
- C. Fifty percent (50%) of all funds generated by this fine for the year 2009 and all subsequent years shall be deposited to Fund 1801 Jail Construction Fund for future construction, expansion or renovation of the Saline County Jail.
- D. Fifty percent (50%) of all funds generated by this fine for the 2009 and all subsequent years shall be deposited to Fund 1801 Jail Operations for maintenance, operation, and capital expenditures of the County Jail or as otherwise permitted under Act 209 of 2009. (Ord. No. 2012-4, Secs. 3-6.)



## CHAPTER 2.52

### CITY DOCUMENTS; FREEDOM OF INFORMATION

#### Sections:

|         |                          |
|---------|--------------------------|
| 2.52.01 | Property                 |
| 2.52.02 | Location                 |
| 2.52.03 | Copies                   |
| 2.52.04 | Non-current documents    |
| 2.52.05 | Destruction of documents |
| 2.52.06 | Fees for copying         |
| 2.52.07 | Freedom of Information   |

2.52.01 Property All city documents, records, photographs, reports, check books, bank statements, audio and/or video tapes, and files, hereafter called city documents, are considered the property of the city of Shannon Hills, Arkansas. (Ord. No. 90-8, Sec. 1.)

2.52.02 Location Current city documents are instrumental in the day-to-day operation of the city of Shannon Hills, Arkansas, and shall remain in either City Hall, or if records regarding law enforcement may remain in the Police Department. (Ord. No. 90-8, Sec. 2.)

2.52.03 Copies City documents necessary in court, or by other entities, may be removed for those purposes, however, instances where copies are acceptable, they should be used and the originals remain in the custody of the city. In instances where copies are not acceptable, copies of the originals shall be made and kept in the custody of the city until the originals are returned. (Ord. No. 90-8, Sec. 3.)

2.52.04 Non-current documents Non-current city documents (non-current being documents from previous years) may be removed under the above stated conditions, however, they may also be removed without copying for purposes of audit by a state licensed accountant, for up to thirty (30) days. (Ord. No. 90-8, Sec. 4.)

2.52.05 Destruction of documents The municipal records of the city of Shannon Hills for the years prior to 1988, which have been audited, may be destroyed. Said records shall be destroyed in the manner prescribed by law. (Ord. No. 95-5, Secs. 1-2.)

2.52.06 Fees for copying The fee that shall be charged for copying documents for all citizens shall be twenty-five cents (\$.25) with a maximum of ten (10) pages being copied per visit to City Hall. (Ord. No. 99-16, Sec. 1.)

2.52.07 Freedom of Information

- A. Proper procedures are needed to ensure that all Shannon Hills elected officials, department heads and other employees appropriately adhere to Arkansas state law regarding free access to city records and other information.
- B. Any information requested by anyone, which should be made available to them under Arkansas law, is made available to them as stipulated under provisions of the Arkansas Freedom of Information (FOI) Act.
- C. Any Shannon Hills elected official, department head or other employee receiving an FOI request shall provide the requested information as quickly as possible. The Shannon Hills Mayor, being the city's chief executive officer, shall be notified about any request immediately, along with any other elected official, department head, or other city employee specifically named in the request. If the requested information is not immediately available, the person making the request shall be informed the information requested will be made available to them within seventy-two (72) hours or they will be informed as to why it is not available, as provided under Arkansas law. Furthermore, should anyone not be provided any information requested under Arkansas FOI law, the Mayor shall inform the City Council immediately, providing the reason why the request for information was denied. (Ord. No. 2001-19, Sec.s 1-2.)

## CHAPTER 2.56

### PERSONNEL POLICIES

#### Sections:

- 2.56.01      Public Employees Chemical Manual
- 2.56.02      Personnel Rules Manual
- 2.56.03      Amendments

2.56.01 Public Employees Chemical Manual The attached manual is hereby adopted as the Public Employees Chemical "Right to Know Act" Manual for the city of Shannon Hills, Arkansas. (Ord. No. 93-9, Sec. 1.)

2.56.02 Personnel Rules Manual The attached manual is hereby adopted as the Personnel Rules for the city of Shannon Hills, Arkansas. (Ord. No. 93-8, Sec. 1.)

#### 2.56.03 Amendments

#### **Ord. No. 96-4      Sick leave**

Delete the first sentence under the section of "Sick Leave," and replace it with "Non-salaried personnel shall be credited with one day of sick leave per month. The use of more than three (3) days of sick leave at one time will require a doctor's excuse. Employees shall not be reimbursed for unused sick leave under any conditions.

#### **Ord. No. 2001-17      Retirement option**

The City Council of Shannon Hills, Arkansas hereby repeals the ten (10) year retirement option previously offered by the city to city employees and elected officials and from and after passage of this ordinance, employees/elected officials' retirement will be governed by the same format and guidelines of APERS (Arkansas Public Employee Retirement System).

The Council hereby repeals this personnel rule immediately and hereby deletes the rule from the personnel handbook by removing the second (2<sup>nd</sup>) paragraph, under health benefits, of Page 4, line 33-41 from the Employee Personnel Handbook.

#### **Ord. No. 2004-7      Disciplinary decisions**

Deleting Section 3 on Page 12 of "The Procedure of Review of Disciplinary Decisions" and replacing with the following language:



Should the grievance still exist, the employee shall within ten (10) working days submit a written request for binding arbitration and a cashier's check or money order in the amount of Two Hundred Fifty Dollars (\$250.00) earnest money to the City Attorney. The Mayor or Department Head in which the employee works (or worked) shall also submit a cashier's check or money order in the amount of Two Hundred Fifty Dollars (\$250.00) within the same ten (10) working days to the City Attorney. The City Attorney shall find a minimum of two and a maximum of four arbitrators and the employee shall have his/her pick of the arbitrator names that the City Attorney provides. The total cost of the arbitration procedure shall be known up front and both parties agree that the losing party will pay the full cost of arbitration. The prevailing party will have the Two Hundred Fifty Dollars (\$250.00) earnest money returned to them before 5:00 p.m. on the next business day following the arbitrator's decision. It is also understood that the cost of arbitration may exceed Two Hundred Fifty Dollars (\$250.00). This amount is only considered earnest money.

**Ord. No. 2004-15     Health insurance**

The second paragraph on Page 8 is deleted and replaced with the following paragraph. "In addition, an employee may elect to be covered by health insurance in any of the following ways.

- A. Be reimbursed (with documentation) for the cost of employee being added to spouse's insurance up to a maximum of \$335.00 a month.
- B. Be reimbursed (with documentation) for the cost of buying health insurance for one's self and legal dependants up to a maximum of \$335.00 per month.
- C. City will pay (with statement) for employee and legal dependants the amount billed in advance directly to the insurance company up to a maximum of \$335.00 per month.

City Council reserves the right to adjust (or terminate) employee health insurance as finances require and in no case will health insurance payments exceed \$335.00 per employee per month.

The city of Shannon Hills, by offering the above described health insurance options does not state or imply in any way that the said insurance is a condition of employment and no promise or guarantee of continued employee health insurance is made. The employee health insurance is offered on a month to month basis as city finances permits and it is understood by all parties that the health insurance options can be changed, discontinued or terminated at any time with no prior notice.

## TITLE 3

### FISCAL AFFAIRS

#### Chapters:

- 3.04 Purchases
- 3.08 Physical Inventory
- 3.12 Legislative Joint Auditing Committee
- 3.16 Councilmembers Doing Business with City
- 3.20 Real and Personal Property Tax
- 3.24 Single Transaction
- 3.28 Arkansas Local Government Joint Investment Trust

#### CHAPTER 3.04

#### PURCHASES

#### Sections:

- 3.04.01 Purchases
- 3.04.02 Contracts
- 3.04.03 Budget
- 3.04.04 Bids
- 3.04.05 Previous ordinances
- 3.04.06 State contracts
- 3.04.07 Payment of bills and check signatures

3.04.01 Purchases The Mayor, or his duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for the public purposes in and for the city of Shannon Hills, Arkansas, so long as the monies have been appropriated by the City Council in the annual budget. (Ord. No. 95-4, Sec. 1.)

3.04.02 Contracts The Mayor shall have the authority to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature therein. (Ord. No. 95-4, Sec. 2.)



3.04.03 Budget The Mayor shall only expend monies that have been budgeted by the City Council in the annual budget, or amendments thereto. (Ord. No. 95-4, Sec. 3.)

3.04.04 Bids Where applicable by law, the Mayor or his duly authorized representative shall advertise for sealed bids for items to be purchased by the city. (Ord. No. 95-4, Sec. 4.)

3.04.05 Previous ordinances

- A. The present City Council of 2001-2002 has previously amended or repealed ordinances restoring the Mayor's authority in several areas such as hiring, firing, employee discipline and check signing.
- B. Through an oversight, the Mayor's authority to pay bills and make purchases for goods or services was not restored. However, it was the intent of the present City Council to restore all mayoral powers that had been removed by the previous City Council. (Ord. No. 2002-11, Secs. 2-3.)

3.04.06 State contracts The Mayor is hereby authorized to agree in the name of the city of Shannon Hills to be bound by all contract terms and conditions as the Department of Finance and Administration, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs, which the Department of Finance and Administration incurs as result of the city of Shannon Hills participation in a contract. Further, that the Mayor does hereby agree to be bound by all such terms and conditions. (Ord. No. 99-2, Sec. 2.)

3.04.07 Payment of bills and check signatures

- A. All bills received by the city of Shannon Hills, Arkansas, that are legitimate, shall be paid within ten (10) days of receipt, providing that funds are available.
- B. Monies collected by the city of Shannon Hills, Arkansas, for whatever reason shall be deposited daily; holidays and Saturday and Sundays are excepted.
- C. If any provision of this ordinance is held to be void, it shall not affect the validity of the remainder, but the remainder shall stand. (Ord. No. 90-9, Secs. 1-3.)
- D. In order to expedite matters, and provide for smoother operation of city government only one signature will be required on checks for payroll, or checks of Two Hundred Dollars (\$200.00) or less. (Ord. No. 93-10, Sec. 1.)



## CHAPTER 3.08

### PHYSICAL INVENTORY

#### Sections:

- 3.08.01 Maintaining an inventory
- 3.08.02 Deleted items

3.08.01 Maintaining an inventory The city of Shannon Hills, Arkansas, shall maintain a physical inventory of all items that have a cost of One Hundred Dollars (\$100.00) or more. (Ord. No. 93-11, Sec. 1.)

#### 3.08.02 Deleted items

- A. The following items listed on the pages of the Legislative Auditor is deleted:

Page B-1, lines 1, 3, 4, 5, 6, 8, 9, 19, 20, 21  
Page C, lines 1, 2, 4, 5, 6, 7, 11, 14, 24  
Page D, lines 3, 4, 5, 6, 7, 8, 17  
(Ord. No. 93-11, Sec. 2.)

- B. Page 1, lines 1, 13, 23, 29, 31, 33, 35, 37  
Page 2, lines 1, 2, 11, 13, 15, 17, 19, 23, 25, 29  
(Ord. No. 95-3, Sec. 2.)

## CHAPTER 3.12

### LEGISLATIVE JOINT AUDITING COMMITTEE

#### Sections:

- 3.12.01 Transfer

3.12.01 Transfer The Mayor is directed, immediately upon approval of this ordinance, to take all necessary steps in contacting both auditing entities, present and prospective, to provide for the expeditious and orderly transfer of the city of Shannon Hills, Arkansas' auditing processes, and further, upon approval and attesting of this ordinance, that a copy of same be submitted to the Legislative Joint Auditing Committee for the state of Arkansas attached with a formal request that the city be placed under its jurisdiction as soon as practicable. (Ord. No. 99-12, Sec. 3.)

## CHAPTER 3.16

### COUNCIL MEMBERS DOING BUSINESS WITH CITY

#### Sections:

- 3.16.01 City Council and Mayor purchasing city equipment
- 3.16.02 Definition
- 3.16.03 Selling
- 3.16.04 Specific businesses

#### 3.16.06 City Council and Mayor purchasing city equipment

- A. The city of Shannon Hills City Council, wanting to create and maintain the zenith of integrity, agrees not to purchase or any member of their immediate family purchase any city equipment, property or other items the city may have for sale, until said item or property has been advertised in a newspaper (*Benton Courier* or *Arkansas Democrat-Gazette*) three (3) times and announced in a Mayor's newsletter mailed with the monthly water bills.
- B. The city of Shannon Hills City Council, wanting to further stress the integrity of the Council, agrees that in no case will the Mayor or any member of the City Council bid or otherwise purchase equipment, property or other items offered for sale, until a period of thirty-one (31) days have passed and the item for sale has been mentioned at a minimum of two (2) City Council meetings.
- C. The city of Shannon Hills City Council, wanting to further stress the integrity of the city government, agrees that the Mayor or any Department Head cannot hire, transfer, promote or temporarily assign any employee into a position where said employee would be directly supervised by or work with a relative related by blood or marriage. (Ord. No. 99-1.)

3.16.02 Definition Ord. No. 99-1 specifies the procedures to be followed when selling surplus or discarded or replaced items belonging to the city to members of the City Council and/or officials of the city. For the purpose of compliance with A.C.A. 14-42-102, the term "officials" will include employees because they are official representatives of the city. (Ord. No. 2004-11, Sec. 2.)

3.16.03 Selling The City Council of Shannon Hills, Arkansas, hereby specifically provides for the selling of items and doing business with said personnel as long as the requirements of Ord. No. 99-1 are followed when selling city items. (Ord. No. 2004-11, Sec. 3.)

3.16.04 Specific businesses

- A. The City Council of Shannon Hills, Arkansas, hereby specifically provides, with the passage of this ordinance, the authorization for the vehicles and/or equipment of the city to be repaired and/or serviced by J&K Automotive at the request of the Mayor or Department Head. (Ord. No. 2005-1, Sec. 3.)
- B.
  - 1. An employee of the city of Shannon Hills, Shannon Hills Water serving as Treasurer, elected by Shannon Hills voters, may be employed by or contracted with the city to perform occasional tasks or duties that are different from the employee's regular job duties, to the extent otherwise permitted by applicable law.
  - 2. The additional work authorized shall not result in added compensation to the employee in excess of Sixteen Thousand Dollars (\$16,000.00) per year. In addition no employee shall be authorized to perform additional work for the city pursuant to this ordinance in excess of 1700 hours per year. The maximum hourly rate authorized under this ordinance shall be Nine Dollars and Twenty-Five Cents (\$9.25). (Ord. No. 2012-6, Secs. 1-2.)



## **CHAPTER 3.20**

### **REAL AND PERSONAL PROPERTY TAX**

#### **Sections:**

#### 3.20.01      Assessment

##### 3.20.01 Assessment

- A.      A tax of three (3) mills per dollar of valuation, as set by the Assessor's office of Saline County, Arkansas, is hereby assessed on all real property within the corporate limits of the city of Shannon Hills, Arkansas, for the year 2014.
- B.      A tax of three (3) mills per dollar of valuation, as set by the Assessor's office of Saline County, Arkansas, is hereby assessed on all personal property within the corporate limits of the city of Shannon Hills, Arkansas, for the year 2014.
- C.      Said tax shall be collected by the Saline County Collector, located in Benton, Arkansas. (Ord. No. 2014-2, Secs. 1-3.)

## **CHAPTER 3.24**

### **SINGLE TRANSACTION**

#### **Sections:**

#### 3.24.01      Single transaction

3.24.01 Single transaction "Single transaction" for the purposes of the local sales tax is defined according to the nature of the goods purchased as follows:

- A. When two or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles or non-motorized vehicles and mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the local sales tax.
- B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the local sales tax, shall be computed in daily increments, and shall be considered to be a single transaction for the purposes of the local sales tax.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the local sales tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state of Arkansas.
- D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the local sales tax.
- E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state of Arkansas. (Ord. No. 83-17, Sec. 1.)

## **CHAPTER 3.28**

### **ARKANSAS LOCAL GOVERNMENT JOINT INVESTMENT TRUST**

#### **Sections:**

|         |                              |
|---------|------------------------------|
| 3.28.01 | Authorization of trust       |
| 3.28.02 | Execution of document        |
| 3.28.03 | Authorization of investments |
| 3.28.04 | Treasurer                    |



- 3.28.05 Authorization to serve as member of Board of Trustees
- 3.28.06 Further authority

3.28.01 Authorization of trust The city is hereby authorized to become a participant in the Arkansas Local Government Cash Management Trust, in substantially the form attached to this ordinance and marked Exhibit A (the "Trust Agreement"), submitted to and reviewed by the governing body of the city, a copy of which shall be filed with the minutes of the meeting at which this ordinance is adopted. (Ord. No. 96-8, Sec. 1.)

3.28.02 Execution of document The Mayor and the Reorder/Treasurer are hereby authorized and directed to execute and attest, respectively, and deliver the Joinder Agreement to the Trust Agreement for and on behalf of and as the act and deed of the city. (Ord. No. 96-8, Sec. 2.)

3.28.03 Authorization of investments The city hereby authorizes the investment and withdrawal of its available funds from time to time in accordance with the Trust Agreement. The city hereby confirms that the permitted interests set forth in the Trust Agreement do not violate any local ordinance or other governing documents and shall indemnify and hold harmless the Arkansas Local Government Cash Management Trust, its Board of Trustees and any employees or agents thereof for any liability arising from any such violation. (Ord. No. 96-8, Sec. 3.)

3.28.04 Treasurer The following officer is hereby designated as Treasurer, as defined in the Trust Agreement, who shall have full power and authority to invest and withdraw invested funds of the city as provided in the Trust Agreement and shall represent and vote on behalf of the city as a participant as provided in the Trust Agreement: Harold R. MacIntire, Mayor. (Ord. No. 96-8, Sec. 4.)

3.28.05 Authorization to serve as Member of Board of Trustees The members of the governing body and officers of the city are hereby authorized to serve as members of the Board of Trustees of the Arkansas Local Government Cash Management Trust if they are a full-time employee of the city and are elected or appointed under the provisions of the Trust Agreement. (Ord. No. 96-8, Sec. 5.)

3.28.06 Further authority The city shall, and the officers and agents of the city are hereby authorized and directed to take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out, and comply with and perform the duties of the city with respect to the Trust Agreement provided all such actions are approved by the City Council prior to any actions being taken. (Ord. No. 99-21, Sec. 6.)



## TITLE 4

### BUSINESS LICENSES AND REGULATIONS

#### Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Cable Television Franchise
- 4.20 Occupational License
- 4.24 Soliciting

#### CHAPTER 4.04

#### ELECTRIC FRANCHISE

#### Sections:

- 4.04.01 Electric franchise granted to First Electric Cooperative Corporation
- 4.04.02 General rights and obligations
- 4.04.03 Standards and right-of-ways
- 4.04.04 Removal of hazards; clearing of right-of-ways
- 4.04.05 Termination procedure
- 4.04.06 Rates
- 4.04.07 City not liable for negligence of grantee
- 4.04.08 Standards of care for facilities
- 4.04.09 Franchise tax
- 4.04.10 Street lighting
- 4.04.11 Private generation facilities allowed
- 4.04.12 Street lighting

4.04.01 Electric franchise granted to First Electric Cooperative Corporation The city of Shannon Hills, Arkansas, (hereinafter called Grantor) hereby grants to the First Electric Cooperative Corporation, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Shannon Hills, 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. 81-8, Sec. 1.)

4.04.02 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. (Ord. No. 81-8, Sec. 2.)

4.04.03 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. (Ord. No. 81-8, Sec. 3.)

4.04.04 Removal of hazards; clearing of right-of-ways The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 81-8, Sec. 4.)

4.04.05 Termination procedure The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 81-8, Sec. 5.)



4.04.06 Rates The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 81-8, Sec. 6.)

4.04.07 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. 81-8, Sec. 7.)

4.04.08 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. 81-8, Sec. 8.)

4.04.09 Franchise tax In April, 1983, AP&L will determine and pay to the city the balance of franchise revenues received by AP&L from its customers, collected in the city, which were received in the first quarter of 1983 as franchise tax expense. If AP&L's determination in April, 1983, is that an under-recovery of franchise tax expense has occurred, then no such payment shall be due in April and AP&L's under-recovery will be deducted from the first quarterly 1983 franchise tax payment which is due in July, 1983.

Beginning in July, 1983, and continuing quarterly thereafter until cancelled by either party, AP&L shall pay to the city five and two tenths percent (5.2%) of its previous three months' gross electric revenue collections from all classes of customers located in the corporate limits of the city. (Ord. No. 83-9, Sec. 1-2.)

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee to pay Grantor the franchise tax as set forth herein shall immediately terminate. (Ord. No. 81-8, Sec. 9.)

4.04.10 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. 81-8, Sec. 10.)



4.04.11 Private generation facilities allowed Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 81-8, Sec. 11.)

4.04.12 Street lighting

- A. In consideration of the Company making facilities available for street lighting purposes and/or the improvement of certain existing street lighting facilities and the benefits accruing to the parties hereto, the City agrees to purchase all street lighting service required by it from the Company in the areas where Company may legally serve, and the Company agrees to supply and sell to the City, and City agrees to pay for, all such service under Company's applicable Rate Schedules and Service Regulations as now on file with the Arkansas Public Service Commission or as provided in said schedules and regulations as they may be lawfully amended, altered, or superseded in the future, with the approval of the Arkansas Public Service Commission or any other regulatory agency having jurisdiction.
- B. Company will at its expense make the following removals from its present street lighting facilities serving the city of Shannon Hills:
- None
- C. Company will at its expense make the following additions to its street lighting facilities serving the city of Shannon Hills:
- None
- D. After completion of the hereinabove described removals and additions, the Company's street lighting facilities serving the city of Shannon Hills will consist of:
- None
- E. In order to provide for further improvements to the street lighting in the future serving the city of Shannon Hills, Arkansas, Company agrees to make additions or changes in its street lighting facilities when requested in writing by the Mayor, upon authorization of the City Council, provided, in Company's judgment, such changes do not constitute a major revision of the street lighting facilities. Such additional street lights or changes in existing street lights will be made at Company's expense and electric service for such lights will be supplied by the Company and will be paid for by the City in accordance with the provisions of the applicable rate schedule, and under the terms and conditions of this agreement.

- F. In addition to supplying street lighting service from Company owned street lighting facilities, Company agrees to supply and sell to the City street lighting service from non-Company owned street lighting facilities, and the City agrees to purchase and pay for such service in accordance with the provisions of the applicable rate schedule, and the terms and conditions of this agreement.

Non-company owned street lighting facilities consist of: None

- G. This constitutes the entire agreement between the parties hereto with reference to the subject matter hereof and supersedes all previous understandings and agreements, written or oral, pertaining to the same subject matter.
- H. The term of the agreement shall be from \_\_\_\_\_, to \_\_\_\_\_, and shall be automatically extended for successive periods of one year each until terminated by written notice given by one party to the other not more than six months, nor less than three months, prior to the expiration of the original term or any extension thereof. (Ord. No. 81-25, Secs. 1-8.)

## **CHAPTER 4.08**

### **GAS FRANCHISE**

#### **Sections:**

|         |   |
|---------|---|
| 4.08.01 | Gas franchise granted to Arkansas Louisiana Gas Company |
| 4.08.02 | Rights and responsibilities of Gas Company and city     |
| 4.08.03 | Repair and maintenance                                  |
| 4.08.04 | Continuance of rights                                   |
| 4.08.05 | Rates   |
| 4.08.06 | Precautions in construction                             |
| 4.08.07 | Reasonable state of repair                              |
| 4.08.08 | Franchise tax   |
| 4.08.09 | Contract  |

4.08.01 Gas franchise granted to Arkansas Louisiana Gas Company The city of Shannon Hills, Arkansas, (hereinafter called Grantor) hereby grants to ARKLA, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all other future expansions of the city limits of the city of Shannon Hills, Arkansas, (1) to sell, furnish, transmit and distribute natural gas 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, and other public grounds and ways belonging to, or under control of Grantor, for the purpose of constructing, maintaining, repairing, replacing and other related facilities, appliances and apparatus which are necessary for, and are useful in, the furnishing, sale, transmission or distribution of natural gas (hereinafter called facilities). (Ord. No. 96-6, Sec. 1.)

4.08.02 Rights and responsibilities of Gas Company and city Grantee shall, does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable service as a public utility and facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereinunder, and the need in duty to promptly construct its facilities, as defined above, required to serve customers in all areas and comes of the city, consents to the construction of such facilities as defined in Section 1 and all such areas and zones. Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 1 from interference with, or duplication by, any persons, firms or corporations seeking to engage in the sale or distribution of natural gas. (Ord. No. 96-6, Sec. 2.)

4.08.03 Repair and maintenance 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 reasonably 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 and/or State of Arkansas Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 96-6, Sec. 3.)

4.08.04 Continuance of rights The rights, privileges and authority hereby granted shall exist and continue from the day of passage of this ordinance and thereafter, until terminated in accordance with provisions and acts of the state of Arkansas as presently enacted or herein amended. (Ord. No. 96-6, Sec. 4.)

4.08.05 Rates The rates which are to be charged by Grantee for natural gas 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 any regulatory authority having jurisdiction thereof. (Ord. No. 96-6, Sec. 5.)

4.08.06 Precautions in construction 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 repaving or repairing any streets, avenues, alleys, or other public grounds. (Ord. No. 96-6, Sec. 6.)



4.08.07 Reasonable state of repair The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform such appliances and equipment as may be in keeping with customary uses and practice in towns of similar size in this state during the time this franchise shall remain in force. (Ord. No. 96-6, Sec. 7.)

4.08.08 Franchise tax Beginning in 1996, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year a franchise/gross receipts tax as set forth in the Franchise/Gross Receipts Tax Ordinance as amended annually. (Ord. No. 96-6, Sec. 8.)

4.08.09 Contract Upon written acceptance by Grantee, this ordinance shall constitute a contract between Grantor and Grantee and its successors and assigns. (Ord. No. 96-6, Sec. 9.)

## **CHAPTER 4.12**

### **TELEPHONE FRANCHISE**

#### **Sections:**

- 4.12.01 Authority granted for operation of telephone system
- 4.12.02 Tax imposed upon Southwestern Bell Telephone Company
- 4.12.03 Tax shall be in lieu of other charges
- 4.12.04 Temporary moving of lines
- 4.12.05 Permission to trim trees
- 4.12.06 Ordinance does not require or permit electric light or power wire attachments
- 4.12.07 Exclusive privileges not given

4.12.01 Authority granted for operation of telephone system The Southwestern Bell Telephone Company, its successors and assigns (hereinafter referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Shannon Hills, Arkansas, (hereinafter referred to as "city"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the city in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time may be established. (Ord. No. 81-4, Sec. 1.)

4.12.02 Tax imposed upon Southwestern Bell Telephone Company The Telephone Company shall pay to the City an annual sum of \$4,332 to be paid in four quarterly payments on or before March 31, June 30, September 30, and December 31, except that for 1981, the 1<sup>st</sup> quarterly payment will be in the amount of \$220.25. Thereafter, in 1981, each quarterly payment will be in the amount of \$1,083. Beginning in 1982, the annual amount to be paid the city will be determined by multiplying 5.2% times the annual billing for access lines within the corporate limits of the city for the preceding year. (Ord. No. 81-4, Sec. 2.)

4.12.03 Tax shall be in lieu of other charges The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said City. (Ord. No. 81-4, Sec. 3.)

4.12.04 Temporary moving of lines The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (Ord. No. 81-4, Sec. 4.)

4.12.05 Permission to trim trees Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated. (Ord. No. 81-4, Sec. 5.)

4.12.06 Ordinance does not require or permit electric light or power wire attachments Nothing contained in this ordinance shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. 81-4, Sec. 6.)

4.12.07 Exclusive privileges not given Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city. (Ord. No. 81-4, Sec. 7.)



## CHAPTER 4.16

### CABLE TELEVISION FRANCHISE

#### Sections:

|         |   |
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| 4.16.01 | Title and purpose                                 |
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4.16.01 Title and purpose This ordinance shall be known as the Shannon Hills, Arkansas Cable Television Franchise Ordinance. The purposes of this ordinance are:

- A. To establish the terms and conditions under which a cable television system within the city must operate;
- B. To provide for the payment of a franchise fee to the city for the use of city streets and other public rights-of-way and to compensate the city for costs associated with administering and regulating the system; and,
- C. To grant a cable television franchise to Falcon Cable Media (hereafter referred to as either "Falcon" or "Grantee"). (Ord. No. 92-3, Sec. 1.2)

4.16.02 Definitions For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning defined herein, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

**Cable Act** means The Cable Communications Policy Act of 1984, 47 U.S.C., Section 521521 *et seq.* and such future legislation as may amend or supersede it.



**Cable television system or Cable TV system** means any non-broadcast facility consisting of a set of transmission paths and associated signal reception, transmission and control equipment, that is designed to distribute to subscribers audio, video and other forms of electronic or electrical signals.

**City** means Shannon Hills, Arkansas, in its present form or in any later reorganized, consolidated, enlarged or reincorporated form.

**City Council** means the City Council of Shannon Hills, Arkansas.

**Falcon** means Falcon Cable Media, which may also be referred to as "Grantee."

**FCC** means the Federal Communications Commission.

**Franchise** means the rights granted pursuant to this ordinance to construct, own and operate a cable television system along the public ways in the city, or within specified areas in the city.

**Franchise area** means that portion of the city for which a franchise is granted under the authority of this ordinance. If not otherwise stated in an exhibit to this ordinance, the franchise area shall be the legal and geographic limits of the city, including all territory which may be hereafter annexed to the city.

**Grantee** means a person or business entity or its lawful successor or assignee which has been granted a franchise by the City Council pursuant to this ordinance.

**Gross subscriber revenues** as the term is used in calculating franchise fees shall mean the revenues actually received, rather than merely billed, by the Grantee from its cable television subscribers within the city after deducting the following:

- A. State or local sales or property taxes
- B. Franchise fees collected by the Grantee for payment to the city;
- C. Copyright fees paid by the Grantee; and,
- D. Any other fees or assessments collected and paid by the Grantee to a governmental entity.

**Public way or right-of-way** means the surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkways, waterways, or other public right-of-way including public utility easements or rights-of-way and any temporary or permanent fixtures or improvements

located thereon now or hereafter held by the city which shall entitle the city and the Grantee to the use thereof for the purpose of installing and maintaining the Grantee's cable television system.

**School** means any public educational institution, including elementary and secondary schools, junior colleges, colleges and universities. (Ord. No. 92-3, Sec. 2.)

#### 4.16.03 New franchise applications

- A. Franchise to operate required It shall be unlawful to operate a cable television system within the City unless a valid franchise has first been obtained from the City pursuant to the terms of this ordinance. A franchise granted pursuant to this ordinance shall authorize the Grantee to provide cable television services within the City and to charge subscribers for such services. It shall also authorize and permit the Grantee to traverse any portion of the City in order to provide service outside the City. Unless otherwise specified, the franchise area shall be the legal boundaries of the City.
- B. Application procedures and criteria for grant An application for a new cable television franchise shall be submitted to the City in a form specified by or acceptable to the City, and in accordance with procedures and schedules established by the City. The City may request such facts and information as it deems appropriate.
  - 1. Any applicant shall furnish to the City a map of suitable scale, showing all roads and public buildings, which indicates the areas to be served and the proposed dates of commencement of service for each area. The proposed service area shall be subject to approval by the City. If approved, the service area shall be incorporated into any franchise granted pursuant to this ordinance. If no service area is specifically delineated in a franchise, it shall be considered to be coterminous with the boundaries of the City.
  - 2. After receiving an application for a franchise, the City shall examine the legal, financial, technical and character qualifications of the applicant. The City may grant one or more non-exclusive franchises creating a right to construct and operate a cable television system within the public ways of the City, subject to the provisions of this section.
  - 3. In the event an application is filed proposing to serve a franchise area which overlaps, in whole or in part, an existing Grantee's franchise area, a copy of such application shall be served by the applicant, by registered or certified mail, upon the existing Grantee. Such notice shall be considered a condition precedent to consideration of the application by the City.



- C. Grant of additional, overlapping franchises Any franchise granted by the City shall be non-exclusive. However, while the City may grant more than one franchise, nothing in this ordinance shall be construed to require it to grant more than one franchise.

1. If one or more competing or overlapping franchises are granted, the City shall not grant such a franchise on terms or conditions which are either more favorable or less burdensome than those granted under any existing franchise or ordinance. Any franchise which may be granted shall require the new Grantee to provide cable service to the entire franchise area then served by the existing Grantee. Moreover, an existing Grantee may, at its discretion, comply with the most favorable terms contained in any subsequent franchise granted by the City.
2. Since additional or overlapping franchises may have an adverse impact on the public rights-of-way, on the quality and availability of communications services to the public and may adversely affect the existing operator's ability to continue to provide the services and facilities it is presently providing under this ordinance, the City may issue a franchise in an area where another franchisee is operating only following a public hearing to consider the potential impact which the grant of an additional franchise may have on the community. In considering whether to grant one or more additional franchises, the City shall specifically consider, and address in a written report paid for by the applicant, the following issues:
  - a. The positive and/or negative impact of an additional franchise on the community.
  - b. The ability and willingness of an applicant to provide cable television service to the entire franchise area which is served by the existing cable operator. The purpose of this subsection is to ensure that any competition which may occur among Grantees will be on equal terms and conditions so as not to give a competitive advantage to one Grantee over another.
  - c. The amount of time it will take the applicant to complete construction of the proposed system and activate service in the entire franchise area, and, whether the applicant can complete construction and activation of its system in a timely manner.
  - d. The financial capabilities of the applicant and its guaranteed commitment to make the necessary investment to erect, maintain and operate the proposed cable TV system for the duration of the

franchise term. In order to ensure that any prospective Grantee does have the requisite current financial capabilities, the City may request equity and debt financing commitment letters, current financial statements, bonds, letters of credit or other documentation to demonstrate to the City's satisfaction that the requisite funds to construct and operate the proposed system are available.

- e. The quality and technical reliability of the proposed system, based upon the applicant's plan of construction and the method of distribution of signals, and the applicant's technical qualifications to construct and operate such system.
- f. The experience of the applicant in the erection, maintenance and operation of a cable television system.
- g. The capacity of the public rights-of-way to accommodate one or more additional cable systems and the potential disruption of those public rights-of-ways and private property that may occur if one or more additional franchises are granted.
- h. The disruption of existing cable television service and the potential that the proposed franchise would adversely affect the residents of the City.
- i. The likelihood and ability of an applicant to continue to provide competing cable television service to subscribers within the entire franchise area for the duration of the franchise.
- j. Such other information as the City may deem appropriate to be considered prior to granting any competing or overlapping franchise.

- D. Permits for non-franchised entities The City may issue a license, easement or other permit to a person other than the Grantee to permit that person to traverse any portion of the Grantee's franchise area within the City in order to provide service outside, but not within the City. Such license or easement, absent a grant of a franchise in accordance with this ordinance, shall not authorize nor permit said person to provide cable television service of any type to any home or place of business within the City nor render any other service within the City. (Ord. No. 92-3, Sec. 3.)

4.16.04 Grant of franchise to Falcon Pursuant to the terms of this ordinance, a franchise is hereby granted to Falcon Cable Media (which may be referred to herein as "Falcon" or "Grantee") to operate and maintain a cable television system in the City for a period of fifteen (15) years commencing on the date of adoption of this ordinance. (Ord. No. 92-3, Sec. 4.)



4.16.05 Renewal of franchise At the expiration of the terms of this franchise, if the Grantee shall then be in substantial compliance with the material terms and conditions of this ordinance and with applicable law, it shall have the option to renew its franchise for a period of ten (10) years. At the time the City may renegotiate the terms and conditions contained in this franchise subject to federal and state law. The Grantee shall notify the City of its intent to renew the franchise at least ninety (90) days prior to the expiration date of this franchise. (Ord. No. 92-3, Sec. 5.)

4.16.06 Franchise fee

- A. Payment of annual fee The Grantee shall pay a franchise fee for the use the City's rights-of-way and to compensate the City for all costs associated with administering and regulating the cable system. The amount of the franchise fee shall be three percent (3%) of the Grantee's annual Gross Subscriber Revenues, as defined herein, and such fee shall be paid on an annual basis. Grantee shall be entitled to list the franchise fee as a separate line item on monthly bills.
- B. Reporting and auditing of fee payments At the City's request, the Grantee shall file a report showing Grantee's Gross Subscriber Revenues for the calendar year and the amount of franchise fees due to the City. Such reports may be requested once per calendar year. The Grantee shall have an obligation to maintain financial records of its Gross Subscriber Revenues and franchisee fee payments for audit purposes for a period of three (3) years, and the City shall have the right to audit the Grantee's books at the offices where such books are maintained. (Ord. No. 92-3, Sec. 6.)

4.16.07 Subscriber rates

- A. All charges to subscribers shall be consistent with a schedule of fees for services offered and established by the Grantee. Rates shall be non-discriminatory in nature and uniform to persons of like classes, under similar circumstances and conditions, except where necessary to meet competition.
  - 1. Grantee may offer different or discounted rates at its discretion in order to meet competition or for promotional purposes. Grantee may establish different rates for different classes of subscribers where appropriate, such as offering discounted rates to low income individuals or groups.
  - 2. Grantee shall inform each new subscriber of all applicable fees and charges for providing cable television service.
  - 3. Grantee may, at its own discretion and in a non-discriminatory manner, waive, reduce or suspend connection fees, monthly service fees or other charges on a one time or monthly basis for promotional purposes.

4. This section shall not prevent a Grantee from refusing service to any person because the Grantee's prior accounts with that person remain due and owing.
5. A Grantee may offer service which requires advance payment of periodic service charges. A customer shall have the right, at any time, to have service disconnected with a refund of any per-paid but unused service charges within sixty (60) days from the date service is disconnected.
6. The Grantee will provide the City with thirty (30) days' advance written notice of any change in rates and charges whenever possible. However, the Grantee is entitled to set its rates and charges as it sees fit without obtaining the prior consent of the City.
7. The Grantee shall provide refunds to subscribers in the following cases:
  - a. If the Grantee fails within a reasonable time to commence service requested by a subscriber, it will refund all deposits or advance charges that the subscriber has paid in connection with the request for such service at the request of the subscriber.
  - b. If a subscriber terminates any service at any time and has a credit balance, the Grantee will, upon notice from the subscriber and upon return of all of Grantee's equipment, refund the appropriate credit balance to the subscriber. The subscriber will be responsible for furnishing the Grantee a proper address to which to mail the refund.
8. If any subscriber's service is out of order for more than forty-eight (48) consecutive hours during the month due to technical failure, damage or circumstances within the control of the Grantee, the Grantee will credit the account of that subscriber on a pro rata basis upon the subscriber's written request. The credit will be calculated using the number of twenty-four (24) hour periods that service is impaired and the number of channels on which service is impaired as a fraction of the total number of days in the month that the service impairment occurs and the total number of channels provided by the system in the absence of an impairment. (Ord. No. 92-3, Sec. 7.)

#### 4.16.08 Customer service and consumer protection

- A. Grantee's office location and telephone service Grantee shall maintain an office in sufficient proximity to the City to permit Grantee's customer service and technical personnel to promptly respond to all customer service requests or



technical problems which may arise, as further described below. Grantee shall maintain telephone answering service or an answering machine to receive service calls twenty-four (24) hours per day. A listed local telephone number or toll free (800) number shall be made available to subscribers for service calls. Corrective action shall be completed as promptly as practicable.

B. Customer service response time

1. Calls requesting repair service shall be responded to the same day they are received, whenever it is physically possible to do so. In the event this is not possible, repair calls notifying the Grantee of a service outage shall be responded to no later than forty-eight (48) hours after receipt. If a service call is received after 3:00 p.m. on Friday, every attempt shall be made to respond within 48 hours.
2. In establishing response time to service or repair calls, the Grantee may differentiate between service problems unique to a single household as compared to problems caused by a service outage which affects a large number of subscribers ("area outage"). An "area outage" is defined as an outage of all cable channels in four (4) or more residences in the same neighborhood or area which is caused by a problem with the cable system, rather than being caused by the subscriber or by a cause beyond the Grantee's control, such as a loss of power from the local electric company.
3. All area outages shall be responded to as soon as possible after notification on a 24 hours a day, 7 day a week basis. Designated technicians shall be on call 24 hours a day to respond when notified by phone or paged by Grantee or an answering service employee. Technicians are expected to repair the problem found and have the system operational as soon as possible. Except for circumstances beyond the Grantee's control such as acts of God, weather, wars, riots and civil disturbances, the Grantee shall be capable of locating and correcting system malfunctions promptly.

- C. Consumer protection The Grantee shall not, without good cause, fail to make available cable service to prospective subscribers nor shall the Grantee terminate service without good cause. Service shall be provided to all interested customers where economically feasible and consistent with the line extension provisions contained in this ordinance. Unless a written contract exists between the Grantee and a subscriber, service shall be on a month-to-month basis.

- D. Protection of privacy The Grantee and the City will constantly guard against possible abuses of the right of privacy or other rights of any subscriber or person. In particular, the Grantee shall comply with the privacy provisions of the Cable Communications Policy Act of 1984, 47 U.S.C. 551.

1. Grantee shall not permit the transmission of any signal, aural, visual or digital from any subscriber's premises without first obtaining the informed consent of the subscriber, which shall not have been obtained from the subscriber as a condition of any service for which transmission is not an essential element. The request for such consent shall be contained in a separate document which enumerates and describes the transmissions being authorized and includes a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision, and shall be revocable at any time by the subscriber without penalty of any kind whatsoever. This provision is not intended to prohibit the use or transmission of signals useful only for the control or measurement of system performance or used only for billing subscribers or providing basic or optional services.
2. Grantee shall not permit the use of any special terminal equipment in any subscriber's premises that shall permit transmission from the subscriber's premises of two way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber as provided in Section (1) of this section.
3. Grantee, or any of its agents or employees, shall not, without the specific written authorization of the subscriber involved, sell or otherwise make available to any party any list which identifies the viewing habits or responses of individual subscribers. (Ord. No. 4.16, Sec. 8.)

#### 4.16.09 System operating standards

- A. General operating standards The Grantee shall exercise its best efforts to design, construct, operate and maintain the system so that signals are delivered to subscribers without material degradation in quality. Grantee shall operate and maintain its cable television system in compliance with the rules and regulations of the Federal Communications Commission (FCC) and all other applicable federal, state and local laws.
- B. Extension of service Each Grantee shall extend its cable television system and make service available as follows:
  1. Within one (1) year after the grant of a franchise service shall be provided to all streets or parts of streets reaching a minimum density of thirty (30) dwelling units per street mile beginning at the boundary of any system trunk line.
  2. Concurrently with the laying lines to developing areas having a planned minimum density of thirty (30) dwelling units per street mile, beginning at the boundary of the existing service area.



3. Grantee shall extend and make cable television service available to any resident within the franchise area who requests connection, at the standard connection charge, if the connection to the resident would require no more than a standard one hundred and fifty (150) foot aerial or seventy-five (75) foot buried drop line.
  4. With respect to requests for connection requiring an aerial or buried drop line in excess of one hundred and fifty (150) and seventy-five (75) feet respectively, Grantee shall extend and make available cable television service to such residents at a connection charge not to exceed the actual cost incurred by the Grantee for the distance exceeding that distance.
  5. The Grantee shall provide aerial or buried drop lines to new subdivision within the franchise area at the request of the developer provided that the developer contracts and agrees with the Grantee to pay the cost of the extension of the service.
- C. Free basic service to public buildings Grantee shall provide, without charge, one service outlet activated for basic subscriber service to any public building upon written request of the Mayor. If it is necessary to extend Grantee's trunk or feeder lines more than two hundred (200) feet solely to provide service to any such school or public building, the City or the building owner or occupants shall have the option of either paying Grantee's direct costs for line extensions in excess of two hundred (200) feet or releasing the Grantee from the obligation to provide service to such building. Furthermore, Grantee shall be permitted to recover the direct cost of installing cable service, when requested to do so, in order to provide:
1. More than one outlet,
  2. Inside wiring, or
  3. A service outlet requiring more than two hundred (200) feet of drop cable.
- D. Emergency use of the system by the City In the case of emergency or disaster the Grantee, upon request of the City, shall make available its facilities to the City for emergency use during the emergency or disaster period. (Ord. No. 92-3, Sec. 9.)

#### 4.16.10 Insurance and indemnification

- A. Insurance Within ninety (90) days following the grant of a franchise the Grantee shall obtain pay all premiums for and make available to the City, at its request, copies of the following insurance policies:

1. A general comprehensive liability policy indemnifying, defending and saving harmless the City, its officers, boards, commissions, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of the Grantee under the franchise herein granted, or alleged to have been so caused or occurred, with a minimum liability of Five Hundred Thousand Dollars (\$500,000.00) per personal injury or death of any one person, and One Million Dollars (\$1,000,000.00) for personal injury or death of any two or more persons in any one occurrence.
  2. Property damage insurance for property damage occasioned by the operation of Grantee under the franchise herein granted, or alleged to have been so caused or occurred, with a minimum liability of Five Hundred Thousand Dollars (\$500,000.00) for property damage to the property of any one person and One Million Dollars (\$1,000,000.00) for property damage to the property of two or more persons in any one occurrence.
  3. All insurance policies called for herein shall be in a form satisfactory to the City and shall require thirty (30) days' written notice of any cancellation to both the City and the Grantee. The Grantee shall, in the event of any such cancellation notice, obtain, pay all premiums for, and file with the City, written evidence of the issuance of replacement policies within thirty (30) days following receipt by the City or the Grantee of any notice of cancellation.
- B. Indemnification The Grantee, by its acceptance of a franchise granted pursuant to this ordinance, shall indemnify and hold harmless the City, its officials, boards, commission and employees against any and all claims, suits, causes of action, proceedings, and judgments for damage arising out of the award of a franchise to the Grantee and its operation of the cable television system under the franchise. These damages shall include, but not be limited to, penalties arising out of copyright infringements and damages arising out of any failure by Grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the Grantee's cable television system whether or not any act or omission complained of is authorized, allowed, or prohibited by the franchise. (Ord. No. 92-3, Sec. 10.)

4.16.11 Franchise violation: procedures, notice and cure

- A. Procedures in the event of alleged violations A Grantee may be penalized by the City in the event of a substantial violation or breach of a material provision of this ordinance. If the City believes that such a breach has occurred and that there may be sufficient cause to penalize the Grantee, the following procedures shall be followed:



B. Notice, response and opportunity to cure alleged violations

1. The City shall notify the Grantee in writing of any alleged violation or failure to meet any of the terms or provisions of this ordinance. The Grantee shall be given thirty (30) days from the date of receipt of such notice to respond in writing, stating its explanation for the alleged violations and what actions, if any, have been or are being taken to cure such breach.
2. Upon receipt of the Grantee's response, the City may accept the Grantee's explanation and/or remedy proposed. Alternatively, if the City does not accept the Grantee's explanation or believes that the breach will not be properly cured within a one hundred twenty day (120) period from the date of the original notice of violation, the City may send to the Grantee a notice of its intent to penalize the Grantee.

C. Public hearing required Prior to issuing a notice of intent to penalize the Grantee, the City shall hold a public hearing providing due process at which testimony and evidence shall be heard concerning the alleged violation. Representatives of the City and the Grantee shall be permitted to address the subject of the alleged violation(s) and related issues at the public hearing. The Grantee may submit evidence to the City that it is diligently pursuing reasonable actions to cure the alleged violation or that there are circumstances beyond its control (force majeure) which prevent the Grantee from curing the alleged breach until some future date. Such showings shall be sufficient to relieve the Grantee from an alleged breach of this ordinance or its franchise. In such cases the City may require the Grantee to provide periodic reports updating the City on progress being made to cure any unresolved problem. A City Council meeting shall be considered a public hearing for the purposes of this section.

D. Notice and cure of franchise violations If, following a public hearing, the City believes that the Grantee remains in breach, the City may issue a notice of intent to penalize the Grantee to revoke its franchise.

The Grantee shall be given a period of sixty (60) days from the date of the issuance of the notice to cure any alleged violation of this ordinance. If the alleged violation is not cured within the specified sixty (60) day period, the City may take the appropriate steps necessary to penalize the Grantee or revoke the franchise. Provided, however, that nothing in this section shall be construed to limit or restrict the Grantee's rights to appeal the City's actions in any appropriate state or federal judicial or administrative forum.

E. Franchise termination and continuity of service

1. In the event that the City denies renewal or revokes the franchise, which denial or revocation is upheld by a final judicial determination, the Grantee shall be afforded a period of one (1) year from the effective date of the final order denying renewal or revoking the franchise, including any appeal, within which to transfer or convey the assets of the cable system. Approval of such a transfer shall not be unreasonably withheld.
2. In the event the franchise is terminated, whether by revocation, expiration, or otherwise, the Grantee may continue to operate the cable system pursuant to the terms and conditions of the terminated franchise, until the happening of one of the following:
  - a. A new franchise or an extension of an expired franchise is granted;
  - b. In the case of a revocation or a denial of renewal, a final judicial adjudication has been made, including any appeal, which has resulted in a finding or order that Grantee is not entitled to a reinstatement, renewal or extension of the franchise and is not otherwise entitled by law to continue operation of the cable system.
  - c. The passage of six (6) months with no appeal to an appellate court. (Ord. No. 92-3, Sec. 11.)

4.16.12 Assignment of franchise

- A. Assignment to a related entity or for security purposes Approval of the City shall not be required should the Grantee wish to use its franchise to secure an indebtedness by trust, mortgage, or other instrument of hypothecation, in whole or in part. Nor shall consent be required to transfer a franchise from one business entity to another entity which is operated and/or managed by the present operator or manager of the system.
- B. Assignment to an unrelated entity A Grantee may assign its franchise to another entity (the "Assignee") upon thirty (30) days' notice to the City. The consent of the City shall not be required for such an assignment, provided that
  1. The City is provided with a reasonable showing that the proposed Assignee possesses the technical and financial qualifications to operate the cable TV system, and
  2. The Assignee agrees to comply with the material terms of this ordinance.



C. Procedures to be followed upon request for assignment

1. If no action is taken by the City within thirty (30) days following receipt of the notice of a proposed assignment by the Grantee, the assignment of the franchise shall be deemed approved.
2. If, following a review of the information provided to it, the City determines that the proposed Assignee may not be technically and financially qualified to operate the cable system, the procedures below shall be followed:
  - a. Within thirty (30) days following receipt of the notice of proposed assignment from the Grantee, the City shall inform the Grantee in writing by certified mail of its intent to hold a hearing, providing due process to the Grantee and the Assignee, for the purpose of receiving evidence as to the Assignee's technical and financial qualifications. Such hearing shall be held by the City within forty-five (45) days following receipt of the notice of assignment.
  - b. Within fourteen (14) days following the date of the hearing, the City shall make a formal determination regarding the proposed assignment. If the City determines that the Assignee is not technically or financially qualified to operate the cable system, it shall send a written explanation of its decision to the Grantee by certified mail within the fourteen (14) day period.

- D. Assignment shall not be unreasonably denied In no event shall the City unreasonably delay or deny the assignment of a franchise. The reasonableness of the City's actions shall be subject to judicial review by a court of appropriate jurisdiction. (Ord. No. 92-3, Sec. 12.)

4.16.13 General provisions

- A. Compliance with state and federal law The Grantee and the City shall at all times comply with all applicable state and federal laws and the applicable rules and regulations of administrative agencies. If the Federal Communications Commission (FCC) or any other federal or state governmental body or agency enacts any law or regulation or exercises any paramount jurisdiction over the subject matter of this ordinance or any franchise granted hereunder, the jurisdiction of the City shall cease and no longer exist to the extent such superseding jurisdiction shall preempt or preclude the exercise of like jurisdiction by the City.

- B. Notice to the Grantee Except as otherwise provided in this ordinance, the City shall not meet to take any action involving the Grantee's franchise unless the City has notified the Grantee by certified mail at least thirty (30) days prior to such meeting, as to its time, place and purpose. The notice provided for in this section shall be in addition to, and not in lieu of, any other notice to the Grantee provided for in this ordinance. All notices, requests, demands and other communications required or permitted hereunder shall be in writing and shall be deemed to have been duly given if mailed by certified mail return receipt requested, addressed to:

Mr. Howard Gan, Vice-President  
Falcon Cable TV  
10866 Wilshire Boulevard, Suite 500  
Los Angeles, California 90024

- C. Street occupancy Grantee shall utilize existing poles, conduits and other facilities whenever possible, but may construct or install new, different, or additional poles, conduits, or other facilities whether on the public way or on privately-owned property with the written approval of the appropriate government authority, and, if necessary, the property owner. Such approval shall not be unreasonably withheld by the governmental agency.

1. All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and appearance and reasonable convenience of property owners who adjoin on any public way and at all times shall be kept and maintained in a safe condition and in good order and repair. The grantee shall at all times employ reasonable care and shall use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.
2. Grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the direction of the City or other appropriate governmental authority.

- D. Access to public and private property

1. Grantee shall have the right to enter and have access to the property and premises of the City or that of any subscriber for purposes of installing cable TV service or recovering and removing Grantee's property and equipment when a subscriber's service is terminated and a subscriber refuses to return such equipment to the Grantee.
2. The City shall not permit any person who owns or controls a residential multiple unit dwelling, trailer park, condominium, apartment complex,



subdivision or other property to interfere with the right of any tenant, resident or lawful occupant thereof to receive cable installation, service or maintenance from Grantee, except as federal or state law shall otherwise require.

3. Upon request by Grantee, the City shall promptly exercise any rights it may have to permit or enable Grantee to obtain or utilize easements with respect to any residential multiple unit dwelling, trailer park, condominium, apartment complex, subdivision or other property as required to facilitate Grantee's use thereof for purposes of providing system service to the tenants, residents or lawful occupancy thereof. In any such proceeding, the restitution to the owner for the amount of space utilized by the system, considering the enhanced value to the premises resulting from the installation of cable television facilities, shall be a one-time charge of \$1.00 per dwelling unit.
- E. Non-discrimination in employment The Grantee shall neither refuse to hire nor discharge from reemployment nor discriminate against any person in compensation, terms, conditions, or privileges of employment because of age, sex, race, color, creed, or national origin. The Grantee shall insure that employees are treated without regard to their age, sex, race, color, creed or national origin.
- F. Grantee may issue rules The Grantee shall have the authority to issue such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable it to exercise its rights and perform its services under this ordinance and the rules of the FCC, and to assure uninterrupted service to each and all of its subscribers. Such rules and regulations shall not be deemed to have the force of law. (Ord. No. 92-3, Sec. 13.)

## **CHAPTER 4.20**

### **OCCUPATIONAL LICENSE**

#### **Sections:**

|         |                       |
|---------|-----------------------|
| 4.20.01 | Fee                   |
| 4.20.02 | Approval              |
| 4.20.03 | Franchise             |
| 4.20.04 | Approval of franchise |
| 4.20.05 | Schedule and fine     |

4.20.01 Fee All privilege license to operate a full-time business and/or to provide a service issued by the city of Shannon Hills, Arkansas, shall cost One Hundred Dollars (\$100.00). (Ord. No. 2003-8, Sec. 1.)

4.20.02 Approval No privilege licenses shall be issued or re-issued until it is established that said business is acceptable to the community, then only upon approval of the City Council. (Ord. No. 2001-20, Sec. 2.)

4.20.03 Franchise All franchises shall pay a fee which shall be set forth into a separate ordinance approved by the City Council. Failure to comply with this agreement shall result in the prompt removal of said franchise from the city of Shannon Hills. (Ord. No. 2001-20, Sec. 3.)

4.20.04 Approval of franchise No franchise shall locate within the city limits of Shannon Hills, Arkansas, without prior approval of the City Council. (Ord. No. 2001-20, Sec. 4.)

4.20.05 Schedule and fine All privilege license due under this ordinance January 1, shall be payable by February 1, without penalty. After February 1, of each year, the penalty shall be as follows: \$10.00 for each day after February 1, of each year.

Failure to obtain a license shall result in a fine of not more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 2001-20, Sec. 5.)

## **CHAPTER 4.24**

### **SOLICITING**

#### **Sections:**

|         |                 |
|---------|-----------------|
| 4.24.01 | Permit          |
| 4.24.02 | Information     |
| 4.24.03 | Fee             |
| 4.24.04 | Hours           |
| 4.24.05 | Revoking permit |
| 4.24.06 | Definition      |
| 4.24.07 | Fine            |

4.24.01 Permit Any person engaged in selling or offering for sale merchandise or services within the city to the ultimate consumers and not having a regular permanent place of business in the city or any person distributing unsolicited literature or merchandise shall obtain a permit for such activity at the City Hall on a form provided by the city. (Ord. No. 82-6, Sec. 1.)



4.24.02 Information Prior to the issuance of said permit, the individual shall provide the city with his or her name, permanent address, telephone number, name of business or organization he or she represents, and the name and address of an officer or official with the business or organization he or she purports to represent. (Ord. No. 82-6, Sec. 2.)

4.24.03 Fee The fee for a solicitor's permit within the city of Shannon Hills, Arkansas, shall be Five Dollars (\$5.00) each calendar year or part thereof. A charitable organization shall be exempt from the permit fee but shall be required to have a permit for each person soliciting within the city limits of Shannon Hills, Arkansas. (Ord. No. 82-6, Sec. 3.)

4.24.04 Hours The permit holder shall be allowed to solicit or distribute literature or merchandise within the city limits during the hours of 8:30 a.m. until 8:00 p.m. Monday through Saturday, and from 1:00 p.m. until 6:00 p.m. on Sunday. (Ord. No. 82-6, Sec. 4.)

4.24.05 Revoking permit Any individual determined to be soliciting in a harassing, intimidating or forceful manner, shall have his or her permit revoked immediately by the Police Department. Said revocation shall be for a period of thirty (30) days at which time, if the individual desires a new permit, same must be obtained according to 4.24.01 and 4.24.02 of this ordinance. (Ord. No. 82-6, Sec. 5.)

4.24.06 Definition For the purpose of this ordinance, soliciting in a "harassing, deceitful or forceful manner" means, but not limited to,

- A. Failure to leave private premises promptly when asked to do so,
  - B. Gaining entry into private residence by ruse, trick or device;
  - C. Soliciting sales in a loud, threatening or intimidating manner; and
  - D. Failing to show a solicitor's permit upon request.
- (Ord. No. 82-6, Sec. 6.)

4.24.07 Fine Any person found to be in violation of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00). (Ord. No. 82-6, Sec. 7.)

## TITLE 5

### HEALTH AND SANITATION

#### Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Contamination of Property

#### CHAPTER 5.04

### MAINTENANCE OF REAL PROPERTY

#### Sections:

- 5.04.01 Regulations
- 5.04.02 Official notice
- 5.04.03 Method of notification
- 5.04.04 Violations
- 5.04.05 Notice posted
- 5.04.06 Lien
- 5.04.07 Lien enforced
- 5.04.08 Fine

5.04.01 Regulations It shall be unlawful for any person having supervision or control of any lot, tract, parcel of land or portion thereof, within the corporate limits of the city to suffer or permit any of the following:

- A. Grass, weeds, or any other plant that is not cultivated to grow to a greater height than ten (10) inches on an average on an individual lot, tract, parcel, or to grow in rank profusion upon the premises.
- B. Rubbish, brush, trash, dead trees, building materials or any other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, track or parcel of land. If building materials are stored on the premises, all such material must be stored at least eighteen (18) inches off the ground.



- C. Grass, weeds or a plant that is not cultivated to grow in rank profusion, or otherwise, in, along, upon or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on the average.
- D. The storage of junk and/or abandoned automobile for a period not to exceed thirty (30) days, unless it is in connection with an automotive sales or repair business enterprise which operates under a duly licensed and exhibited privilege licenses and is located in a properly zoned area. In this paragraph "abandoned automobile" means any motor vehicle or part hereof that is in a state of disrepair and incapable of being moved under its own power.
- E. The open storage of iceboxes, refrigerators, or any other appliances or furniture for a period not to exceed thirty (30) days, and during storage period, all doors, latches and locks are to be removed or made inoperative in a manner to ensure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which operates under a duly issued and exhibited privilege license and is located in a properly zoned area.
- F. The use of any stream or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or natural drainage way, unless required permits have been obtained.
- G. The accumulation of stagnant pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects might breed.
- H. The property, including all adjacent rights-of-way and alleys, to be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned, unless required permits have been obtained.
- I. Trees, shrubs, bushes or any other plant impeding the flow of pedestrian traffic on any sidewalk and/or public right-of-way, or in any other manner causing an unauthorized obstruction of the public enjoyment of a sidewalk and/or public right-of-way.
- J. Any act or condition constituting a nuisance under A.C.A. or common law. (Ord. No. 2003-4, Sec. 1.)

5.04.02 Official notice Whenever the city Police Chief or his deputies or his duly authorized agent, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance, he shall give such notice of such alleged violation to the person responsible therefore, that such alleged violation shall constitute a nuisance. Such notice shall:

- A. Be in writing.
- B. Include a statement of the reasons why it is being issued, and the sections of the ordinance that are alleged to be in violation.
- C. Allow a maximum of thirty (30) days for performance of any act it requires.
- D. State that if such alleged violations are not voluntarily corrected within the stated time as set forth in that notice, the Chief of Police or his duly authorized agent or representative, shall institute legal proceedings, charging the person with a violation of this ordinance. (Ord. No. 2003-4, Sec. 2.)

5.04.03 Method of notification The person responsible for the violation shall be notified by one or more of the following methods:

- A. By delivery to the owner, agent or responsible party, personally.
- B. By leaving the notice at the usual place, abode or business of the owner, agent or responsible party, with a person of suitable age and discretion.
- C. By depositing the notice in the United States Post Office, addressed to the owner, agent or responsible party, at his last known address by certified mail, postage prepaid thereon.
- D. By posting and keeping posted for a period of not less than twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises, alleged to be in violation. (Ord. No. 2003-4, Sec. 3.)

5.04.04 Violations Violations of the provisions of this section may be prosecuted by the issuance of a criminal information or by the issuance of a citation by a law enforcement officer. (Ord. No. 2003-4, Sec. 4.)

5.04.05 Notice posted The Mayor, the Chief of Police, or any person designated by the same may order the owner of any real property within the city to cut weeds, remove garbage, rubbish or other unsightly and unsanitary articles and things that may be upon the property, and eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. The order shall be in writing and shall be issued to the owner of the real property involved. If the owner of any real property is unknown or his whereabouts is not known or he is a non-resident of this state, then a copy of the written notice shall be posted upon the premise in some prominent place. (Ord. No. 2003-4, Sec. 5.)



5.04.06 Lien If the owner of any real property within the city neglects or refuses to remove, abate or eliminate any such condition as provided in 5.04.05 of this ordinance after having been given twenty (20) days' notice in writing to do so, the Mayor, the Chief of Police or a person designated by the same may do whatever may be necessary to correct the condition and charge the cost thereof to the owner of the real property. The city shall have a lien against such property for the cost. (Ord. No. 2003-4, Sec. 6.)

5.04.07 Lien enforced The lien may be enforced and collected in either of the following manners:

- A. Within eighteen (18) months after work has been done, by an action in the Circuit Court.
- B. The amount of the lien herein provided by may be determined at a hearing before the City Council 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. If the name of the owner or owners cannot be determined, then the hearing before the City Council may be held after publication of notice of such hearing in a newspaper having a bona fide circulation in the county for one (1) insertion per week for four (4) consecutive weeks. The amounts due the city as determined at the hearing, including all costs incurred by the city relevant to the nuisance, plus ten percent (10%) penalty for collection, shall be that certified by the City Council to the County Tax collector, and by him placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent taxes, and the amount, less three percent (3%) thereof, when so collected, shall be paid to city. (Ord. No. 2003-4, Sec. 7.)

5.04.08 Fine Any person pleading guilty to (a) violation(s) of this ordinance or found guilty in a court of law of (a) violation(s) of this ordinance shall pay a fine of not less than Twenty-Five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00) for each violation of this ordinance and from the date of 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. (Ord. No. 2003-4, Sec. 9.)

## **CHAPTER 5.08**

### **CONTAMINATION OF PROPERTY**

#### **Sections:**

- 5.08.01 Contamination violation
- 5.08.02 Adoption of the cleanup guideline booklet and administration
- 5.08.03 Violation and penalties

#### 5.08.01 Contamination violation

- A. Purpose and intent The purpose of this ordinance is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dumpsite may exist. The City Council of Shannon Hills find that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child-bearing age, at risk when exposed through inhabiting or visiting the site, now or in the future.

It shall be a violation of this ordinance for any person to contaminate any property, land, air or water within the city of Shannon Hills, Arkansas, by means of manufacturing (cooking) methamphetamines or any similar illegal drug. It shall be the job of the Chief of Police and/or the Mayor to take control of the property to determine if the property has been contaminated.

If the Chief of Police and/or the Mayor should find evidence of property contamination, the property owner shall be advised to have the property vacated, and institute a proper decontamination according to the city adopted "Guide Booklet for Cleaning-Up Former Methamphetamine Labs." After the cleanup has been completed, the Chief of Police and/or the Mayor shall be provided confirmation of the property cleanup.

- B. Interpretation and application In their interpretation and application, the provisions of this ordinance shall be construed to protect the public health, safety and welfare.
- C. Fees Fees for the administration of this ordinance may be established and amended periodically by resolution of the City Council of Shannon Hills.
- D. Definitions For the purpose of this ordinance, the following terms or words shall be interpreted as follows:

**Child** shall mean any person less than 18 years old.

**Chemical dumpsite** shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab have been located.

**Clandestine drug lab** shall mean the unlawful manufacture or attempt to manufacture controlled substances.

**Clandestine drug lab site** shall mean any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, accessory structures, a chemical dumpsite or any land.



**Controlled substance** shall mean a drug, substance or immediate precursor thereof as described in Arkansas Uniform Controlled Substance Act (5-64-401). The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

**Household hazardous wastes** shall mean waste generated from a clandestine drug lab. Such waste shall be treated, stored, transported or disposed of in a manner with Arkansas Department of Health, Arkansas Pollution Control, ADEQ, and Saline County Health Department rules and regulations.

**Manufacture** in places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs.

**Owner** shall mean any person, firm or corporation who own, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site or chemical dumpsite.

**Public health nuisance** shall mean all dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

#### 5.08.02 Adoption of the cleanup guideline booklet and administration

- A. Law enforcement notice to other authorities Law enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner, if known, and conditions found.
- B. Declaration of property as a public health nuisance If law enforcement determines the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance.
- C. Notice of public health nuisance to concerned parties Upon notification by law enforcement authorities, the Mayor and/or Chief of Police shall promptly issue a Declaration of Public Health Notice for the affected property and post a copy of the Declaration at the probable entrance to the dwelling or property. The Mayor and/or Chief of Police shall also notify the owner of the property by mail and notify the following parties:

1. Occupants of the property
2. Neighbors at probable risk
3. The city of Bryant Police Department; and
4. Other state, county and local authorities, such as ASP, Group 6 Drug Task Force, and the Saline County Sheriff's office and others that are known to have public and environmental protection responsibilities that are applicable to the situation.

D. Adoption of Arkansas Health Department Cleanup Guidelines The city of Shannon Hills, Arkansas, adopts the attached Arkansas Health Department guidelines for the cleanup of former methamphetamine labs for the enforcement of this ordinance by doing, but not limited to, the following four (4) things.

1. Immediately vacate those portions of the property, including building or structure interiors that may place the occupants or visitors at risk.
2. Promptly contact an appropriate environmental testing company such as Haztec, Inc. and cleaning firms such as to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling. The property owner shall notify the city of actions taken and reach an
3. Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy and that the clean-up was conducted in accordance with Arkansas Department of Health guidelines of April 2004.

E. Property owner's responsibility for cost The property owner shall be responsible for all cost of vacation or clean-up of the site, including contractor's fees and public cost for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but are not limited to:

1. Posting of the site;
2. Notification of affected parties;
3. Expenses related to the recovery of costs;
4. Laboratory fees;
5. Clean-up services;
6. Administrative fees; and
7. Other associated costs

\*Property owners whose property has been entered illegally and violated by criminal trespass and illegal drugs have been manufactured without the



knowledge and/or consent of property owner shall be exempt from the above cost as long as the police investigation concludes that the property owner is in no way responsible and the property owner cooperates fully with authorities to help arrest and prosecute said violators and helps the city and/or property owner get property cleanup cost from the violators through the court system.

F. Recovery of public cost

1. If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the Mayor and/or Chief of Policies authorized to proceed in a prompt manner to initiate the on-site clean-up.
2. If the city is unable to locate the property owner within ten (10) days of the Declaration of Public Health Nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
3. The city can force vacation and abatement of the nuisance by requiring the hazardous structure or building be subject to pre and post clean-up testing before humans or pets can inhabit the said property. The Arkansas Department of Health recommends that 0.5 pg of methamphetamine residue per square foot of area sampled be used as the acceptable post clean-up re-occupancy level for a structure that had been used as a clandestine methamphetamine laboratory. And the city of Shannon Hills, Arkansas, finds that this level is reasonable, achievable and sufficiently conservative considering the lack of adequate scientific information about the adverse health effects associated with long-term exposure to low levels of methamphetamine.
4. If the city vacates or abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs, plus an additional Ten Dollars (\$10.00) for administration. The city may recover cost by civil action against the person or persons who own the property per A.C.A. 5-64-401 or by assessing such cost as a special assessment against the property in the manner as taxes and special assessments are certified and collected pursuant to Arkansas law.
5. Any person deemed guilty of any provision of this ordinance, may be ordered to make full restitution to aggrieved parties for the contamination and/or damage to their property by the offense.

G. Authority to modify or remove Declaration of Public Health Nuisance

1. The Mayor and/or Chief of Police is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.
2. Such modification or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling. (Ord. No. 2005-9, Sec. 2.)

5.08.03 Violations and penalties Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be subject to a fine of Five Hundred Dollars (\$500.00), and/or confinement in jail or community service for not more than one (1) year or both. If the case is assigned, transferred or appealed to Saline County, the penalties set forth in the Saline County Circuit Court fine and cost schedule shall apply. (Ord. No. 2005-9, Sec. 3.)



# **TITLE 6**

## **ANIMALS AND FOWL**

### Chapters:

- 6.04 Dogs
- 6.08 Pit Bulls

### **CHAPTER 6.04**

#### **DOGS**

### Sections:

- 6.04.01 Potentially dangerous and vicious dogs
- 6.04.02 Definition of dangerous dog
- 6.04.03 Definition of vicious dog
- 6.04.04 General definitions
- 6.04.05 Judicial process
- 6.04.06 Disposition of potentially dangerous or vicious dogs
- 6.04.07 Disposition of vicious dogs
- 6.04.08 Confinement and restraint of animals
- 6.04.09 Health and safety of animal
- 6.04.10 Use of leash
- 6.04.11 Responsibility of damage or injury
- 6.04.12 Health and cleanliness
- 6.04.13 Animal registration
- 6.04.14 Penalties
- 6.04.15 Exceptions
- 6.04.16 Number of animals

#### 6.04.01 Potentially dangerous and vicious dogs

- A. Potentially dangerous and vicious dogs have become a serious and widespread threat to the safety and welfare of citizens of this state. In recent years, they have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed numerous dogs. Many of these attacks have occurred in public places.

- B. The number and severity of these attacks are attributable to the failure of owners to register, confine and properly control vicious and potentially dangerous dogs.
- C. The necessity for the regulation and control of vicious and potentially dangerous dogs is a statewide problem, requiring statewide regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by vicious and potentially dangerous dogs. (Ord. No. 2003-3, Sec. 1.)

6.04.02 Definition of dangerous dog Potentially dangerous dog means any of the following:

- A. Any dog which unprovoked on two separate occasions within the prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
- B. Any dog that when unprovoked bites a person causing a less severe injury than as defined in (A).
- C. Any dog which when unprovoked on two separate occasions within the prior thirty-six (36) month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog. (Ord. No. 2003-3, Sec. 2.)

6.04.03 Definition of vicious dog

- A. Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (A) or Section 597.5 of the Penal Code.
- B. Any dog which when unprovoked in an aggressive manner inflicts severe injury on or kills a human being.
- C. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in 6.04.01, 6.04.02 and 6.04.03. (Ord. No. 2003-3, Sec. 3.)

6.04.04 General definitions

**Animal Control Department** means the county or city Animal Control Department. If the city or county does not have an Animal Control Department, it means whatever entity performs animal control functions.



**County** includes any city and county.

**Enclosure** means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper of the dog. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the Penal Code.

**Impounded** means taken into the custody of the public pound or Animal Control Department or provider of Animal Control services to the city or county where the potentially dangerous or vicious dog is found.

**Severe injury** means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Ord. No. 2003-3, Sec. 4.)

#### 6.04.05 Judicial process

- A. If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the chief officer of the public pound or Animal Control Department or his or her immediate supervisor or the head of the local law enforcement agency, or his or her designee, shall petition the District Court within the judicial district wherein the dog is owned or kept, for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious. A city or county may establish an administrative hearing procedure to hear and dispose of petitions filed pursuant to this chapter. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the Animal Control Officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.
- B. The chief officer of the public pound or Animal Control Department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the District Court of the hearing entity, as the case may be, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five (5) working days nor more than ten (10) working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The court may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. A jury shall not be available. The court may find, upon a preponderance of the

evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this chapter.

- C. The court hearing the appeal shall conduct a hearing *de novo*, without a jury, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth.
- D. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be potentially dangerous or vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's determination or thirty-five (35) days if the service of the judgment is by first-class mail.
- E. The court or hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.
- F. The determination of the court hearing the appeal shall be final and conclusive upon all parties.
- G. If upon investigation it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may seize and impound the dog pending the hearings to be held pursuant to this article. The owner or keeper of the dog shall be liable to the city or county where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.
- H. When a dog has been impounded pursuant to subdivision (A), and it is not contrary to public safety, the chief Animal Control Officer shall permit the animal to be confined at the owner's expense in a department approved kennel, or veterinary facility.
- I. No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person



within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal that at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

- J. No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage of injury was to a species or type of domestic animal appropriate to the work of the dog. (Ord. No. 2003-3, Sec. 5.)

#### 6.04.06 Disposition of potentially dangerous or vicious dogs

- A. All potentially dangerous dogs shall be properly licensed and vaccinated. The licensing authority shall include the potentially dangerous designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or the court or hearing entity has determined the designation applies to the dog.
- B. The city or county may charge a potentially dangerous dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog.
- C. A potentially dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of a responsible adult.
- D. If the dog in question dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner of a potentially dangerous dog shall notify the Animal Control Department of the changed condition and new location of the dog in writing within two (2) working days.
- E. If there are no additional instances of the behavior described in Section 31602 within a thirty-six (36) month period from the date of designation as a potentially dangerous dog, the dog shall be removed from the list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six (36) month period if the owner or keeper of the dog demonstrates to the Animal Control Department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety. (Ord. No. 2003-3, Sec. 6.)

#### 6.04.07 Disposition of vicious dogs

- A. A dog determined to be a vicious dog may be destroyed by the Animal Control Department when it is found that the release of the dog would create a significant threat to the public health, safety, and welfare.
- B. If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare.
- C. The owner of a dog determined to be a vicious dog may be prohibited by the city or county from owning, possessing, controlling, or having custody of any dog for a period of up to three (3) years, when it is found that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare. (Ord. No. 2003-3, Sec. 7.)

6.04.08 Confinement and restraint of animals Any person who owns a dog within the city limits of the city of Shannon Hills shall confine said animal within a fenced area or house said animal in a building or structure sufficient to restrain said animal to the property of said owner. Use of a tether line and anchor shall be considered an acceptable method of restraint only if it prevents the animal from coming within twelve (12) feet of the owners' property boundary and provides said animal with a minimum of 200 square feet of roaming area. Shorter tether lines may be used for brief periods of time but may not serve as a long-term restraint device. (Ord. No. 2003-3, Sec. 8.)

6.04.09 Health and safety of animal Any person who harbors an animal within the city limits of the city of Shannon Hills, Arkansas, shall be responsible for ensuring the health and safety of said animal(s). Animal health and safety shall include providing adequate shelter, food and water at all times and ensuring that said animal(s) receive required vaccinations and medical care as needed. (Ord. No. 2003-3, Sec. 9.)

6.04.10 Use of leash Any person who harbors a canine within the city limits of the city of Shannon Hills, Arkansas, shall not remove said canine from resident property without using a leash to maintain control and restraint of said animal. The observation of any canine outside of an enclosed pen, or are of confinement, and not confined by a legal tethering device and not on a leash shall be prima facie evidence of a violation of this section. Any adult [eighteen (18) years old or above], owner/resident of the property where said animals are kept may be considered in violation of this section and cited herewith. (Ord. No. 2003-3, Sec. 10.)

6.04.11 Responsibility of damage or injury Ownership of any animal carries with it the implied responsibility for the health and safety of the animal and the responsibility of any damage or injury said animal might cause to property or citizens. (Ord. No. 2003-3, Sec. 11.)



6.04.12 Health and cleanliness Any person that keeps an animal on their property in a pen or otherwise shall provide a minimum enclosed area of two hundred (200) square feet for the first animal, and a minimum of one hundred fifty (150) square feet for each additional animal over the age of six (6) months. All areas where animals are kept shall be kept clean of animal waste. At no time may an area where animals are kept be allowed to become so unclean as to have a noticeable odor, or be dirty enough to represent a health threat to the animals or to the public. (Ord. No. 2003-3, Sec. 12.)

6.04.13 Animal registration

- A. Any person owning or harboring an animal shall register each animal with the city. First registration shall occur within thirty (30) days after the animal attains an age of six (6) months or thirty (30) days after person establishes ownership of said animal if animal is over six (6) months of age. The fee for said registration shall be Four Dollars (\$4.00) for each animal that has been spayed or neutered and Twenty-Five Dollars (\$25.00) for each animal that has not been spayed or neutered. The owner must present proof of rabies vaccination for the dog in order to register the animal.
- B. In order to qualify for the reduced fee for spayed or neutered animals, the owner must present proof that the animal has been spayed or neutered. Said proof must be a statement from a veterinary clinic or a notarized statement from any other individual who performed the service.
- C. Registration of any animal shall be effective for a period of one (1) year. At the end of a registration period, any pet owner shall have thirty (30) days during which re-registration may occur without penalty. Late registration shall result in an additional registration fee of Five Dollars (\$5.00) if registration occurs voluntarily. If city officials detect a failure to register, a citation may be issued and penalties will be as set forth in 6.04.02 herein. (Ord. No. 2003-3, Sec. 12.)

6.04.13 Penalties Any person found in violation of this ordinance shall be guilty of a misdemeanor and may be fined Twenty-Five Dollars (\$25.00) to Five Hundred Dollars (\$500.00). A mandatory court appearance is required on all loose or vicious dog violations. All fines paid pursuant to this article shall be paid to the city or county in which the violation occurred for the purpose of defraying the cost of the implementation of this chapter. (Ord. No. 2003-3, Sec. 13.)

6.04.15 Exceptions

- A. This chapter does not apply to licensed kennels, humane society shelters, animal control facilities, or veterinarians.

- B. This chapter does not apply to dogs while utilized by any Police Department or any law enforcement officer in the performance of police work (Ord. No. 2003-3, Sec. 14.)

6.04.16 Number of animals

- A. It shall hereafter be unlawful for any person to have on one or more pieces of contiguous property, more than four (4) animals, (cats, dogs, or a combination thereof). This provision shall not apply to properly city-licensed proprietors of animal hospitals, veterinarians, or any other city-licensed business which would care for animals in the normal operation of said business. Keeping on the property more than four (4) animals shall be prima face evidence of a violation of this section. Any owner/resident of the property where said animals are kept, who is over the age of eighteen years of age, may be considered in violation of this section and cited herewith.
- B. Any person, who owns any dog or cat within the city limits of the city of Shannon Hills, Arkansas, shall confine said animal within a fenced area sufficient to restrain said animal to the property of said "owner," or house said animal(s) within a building which is sufficient to restrain said animal to the property of said "owner."
- C. It shall be illegal to keep an unspayed canine, or feline, over the age of six (6) months of age within the city limits, unless said animal is medicated so that the odor emanated during cycles of being in heat are eradicated.
- D. Any person found in violation of this ordinance shall be guilty of a misdemeanor and may be fined no less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00) for each infraction thereof, and a fine of no less than Fifty Dollars (\$50.00), and no more than One Hundred Dollars (\$100.00) per day, for each and every day, for violations of a continuing nature. (Ord. No. 97-3, Secs. 1-7.)

**CHAPTER 6.08**

**PIT BULLS**

Sections:

- |         |                                       |
|---------|---------------------------------------|
| 6.08.01 | Banning                               |
| 6.08.02 | Exemption of registered AKC show dogs |
| 6.08.03 | Publication                           |



- 6.08.04 Grandfathering
- 6.08.05 Keeping of registered Pit Bull Dogs
- 6.08.06 Exceptions
- 6.08.07 Fine
- 6.08.07 Enforcement

6.08.01 Banning Banned Pit Bull breed of dogs are banned entirely and may not be owned or kept within the limits of the city. Banned breeds of Pit Bull dogs are any of the following:

- A. American Pit Bull Terrier
- B. Staffordshire Bull Terrier, unless they meet the requirements of 6.08.02.
- C. American Bull Dog
- D. Any dog whose sire or dame is a dog of a breed which is defined as a banned breed of dog under this section.
- E. Any dog whose owner registers, defines, admits, or otherwise identifies the dog as being of a banned breed.
- F. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or American Bull Dog as defined by the American Kennel Club or United Kennel Club.
- G. Any dog which is of the breed commonly referred to as "Pit Bull" and commonly recognizable and identifiable as such. (Ord. No. 2007-10, Sec. 1.)

6.08.02 Exemption of registered AKC show dogs An AKC American Staffordshire Terrier or Staffordshire Bull Terrier may be exempted from the ban in 6.08.01 provided that the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove that a dog is an AKC American Staffordshire Terrier or Staffordshire Bull Terrier show dog/performance dog must include:

- A. An AKC registration
- B. An AKC three (3) generation pedigree
- C. Proof of the dog being used as a show dog once the dog reaches the age of six (6) months; and

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

\*The exemption provided for in the subsection will not apply to any AKC registered dog discussed above that is found to be vicious pursuant to Ord. No. 2003-3. (Ord. No. 2007-10, Sec. 1.)

6.08.03 Publication For any breed which is banned by 6.08.01 of this ordinance, a copy of the standards of the American Kennel Club shall be kept on file in triplicate in the City Clerk's office, and prior to the passage of any ban of such breed, the Clerk shall advertise the incorporation by reference of the stand of such breed of dog and shall state that copies of the standard will be on file for public review in the Clerk's office prior to passage of the ban of such breed. This public notification of a Pit Bull ban inside the city limits of Shannon Hills, Arkansas, will be published in the Benton Courier newspaper a minimum of one time and a maximum of three (3) times in the months of June, July and August 2007, prior to passage of the ban. (Ord. No. 2007-10, Sec. 1.)

6.08.04 Grandfathering The owner of a Pit Bull dog will have thirty (30) days after passage of this ordinance to register the animal at City Hall with the city of Shannon Hills, Arkansas, pursuant to the following criteria:

- A. The animal was licensed prior to the effective date of this ordinance.
- B. The owner will provide proof of rabies vaccination and an itemized list of all scars on the dog prior to this registration.
- C. The owner and/or handler must be twenty-one (21) years old as of July 1, 2007.
- D. The owner will, at his/her own expense, have the animal spayed or neutered and present to the city of Shannon Hills documentary proof from a licensed veterinarian that this sterilization has been performed.

\*An owner of a prohibited dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would put the dog's life at-risk or if the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as required by 6.08.02

- E. The owner shall bring the animal to a licensed veterinarian where an authorized person shall cause a registration number assigned by the city of Shannon Hills to be tattooed on the animal (said numbers to be one (1) inch in height and located on the abdomen near the upper inside of the right rear leg). The city of Shannon Hills shall maintain a file containing the registration numbers and name of the



animal and the names and addresses of the owners. The owner shall notify the city of Shannon Hills of any change of address. (Ord. No. 2007-10, Sec. 1.)

6.08.05 Keeping of registered Pit Bull Dogs

- A. No owner and/or handler shall permit a registered Pit Bull to go outside its kennel or enclosure unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a Pit Bull Dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings without the permission of the city of Shannon Hills. Short-term permission may be granted. Long-term tying to an inanimate object violates Ord. No. 2003-3.
- B. All registered Pit Bull Dogs shall be securely confined indoors or in a securely enclosed and locked pen or fenced area, except when leashed as provided in Section (B). All structures used to confine register Pit Bull Dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house Pit Bull Dogs must comply with all zoning and building regulations of the city of Shannon Hills. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- C. No Pit Bull Dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- D. All owners, keepers or harbors of registered Pit Bull Dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- E. All owners, keepers or harborers of registered Pit Bull Dogs must within ten (10) days of the incident, report the following information in writing to the city of Shannon Hills as required hereinafter:
  - 1. The removal from the city or death of a registered Pit Bull Dog.
  - 2. The new address of a registered Pit Bull Dog owner should the owner move within the corporate limits of the city of Shannon Hills.

- F. No person shall sell, barter or in any other way dispose of a Pit Bull Dog registered with the city of Shannon Hills to any person within the city limits of the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a Pit Bull Dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city and will, therefore, remove the dog outside the city.

Upon notification to the city of Shannon Hills that the dog has been sold to a person residing outside the city, the city of Shannon Hills, Arkansas will make a notation in its files, and the animal will no longer be allowed in the city.

- G. There shall be an irrebuttable presumption that any dog registered within the city of Shannon Hills as a Pit Bull Dog or any of those breeds prohibited by Ord. No. 2007-10 is, in fact, a dog subject to the requirements of this section.
- H. It shall be unlawful for the owner, keeper or harbinger of a Pit Bull Dog registered with the city of Shannon Hills to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, and initiation of the procedures set forth in 6.08.06.
- I. It will be unlawful for an owner or handler to train or attempt to train a dog covered by this ordinance to do bit work, personal protection work, to fight or the teaching or learning of any other type of aggressive or dangerous behavior toward humans or other animals. It will be unlawful for anyone to agitate, aggravate, anger or excite a dog covered by this ordinance in any way. This includes, but is not limited to, the popping of towels, ropes or any other object in the dog's vicinity. It will be unlawful to use the smell of a birch in heat (including artificial scent) to excite a male dog or to bring two or more dogs of the same sex into any area or proximity of each other. It is also unlawful to use any person, animal or an article of any type or size to agitate, aggravate or anger any dog covered by this ordinance. The use of shock collars, cattle prods or any other piece of equipment that administers pain to the dog is not allowed to be used inside the city limits of Shannon Hills, Arkansas.

\*Paragraph (I) of this ordinance extends to all animals within our city limits that are being used or abused by their owner/handler. (Ord. No. 2007-10, Sec. 1.)

6.08.06 Exceptions A banned breed of dog shall not be considered owned or kept in the city if the dog is only brought into the city to a licensed doctor of veterinary medicine located in the city for the purpose of veterinary care, as is necessary for the completion of veterinary care or for special event dog shows sanctioned by the city. Additionally, any dog used for law



enforcement or other governmental purposes, by the Police Department, military, FDA or USDA are exempt from this section. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog also being defined as a vicious animal in Ord. No. 2003-3. (Ord. No. 2007-10, Sec. 1.)

6.08.07 Fine The owner or possessor of any dog found to be in violation of this ordinance shall be guilty of a violation and be subject to punishment as provided for in Ord. No. 2003-3. Additionally the city of Shannon Hills shall handle dogs in violation of this ordinance as follows:

- A. The animal will be seized by the city of Shannon Hills, turned over to an animal shelter or licensed veterinarian (at the owner's expense) and held for three (3) business days for the owner to reclaim the dog and pay a reclaim fee of One Hundred Dollars (\$100.00) in addition to the shelter and/or veterinarian cost.
- B. If the animal is not reclaimed within three (3) business days as prescribed by Section (A) above, it will be humanely destroyed by licensed personnel at the animal shelter or the veterinarian's office.
- C. If the animal is found inside the city of Shannon Hills a second time, the owner shall, upon conviction in the Shannon Hills District Court, be fined Two Hundred Fifty Dollars (\$250.00). Any such order of conviction shall include seizure of the animal by Shannon Hills personnel to be humanely destroyed. (Ord. No. 2007-10, Sec. 1.)

6.08.08 Enforcement This ordinance may be enforced by the Shannon Hills Mayor or the Shannon Hills Police Chief or any employee of the city authorized to do so by the Mayor or Police Chief. (Ord. No. 2007-10, Sec. 2.)

## **TITLE 7**

### **PUBLIC PEACE, SAFETY AND MORALS**

#### **Chapters:**

- 7.04 State Criminal Statutes and Penalties
- 7.08 Posting Ordinances
- 7.12 Public Property
- 7.16 Nuisances
- 7.20 Curfew for Minors
- 7.24 Noise
- 7.28 Firearms
- 7.32 9-1-1 Service
- 7.36 Signs
- 7.40 Fireworks
- 7.44 Adoption of Program Manuals for the City

#### **CHAPTER 7.04**

### **STATE CRIMINAL STATUTES AND PENALTIES**

#### **Sections:**

- 7.04.01 State criminal statutes adopted
- 7.04.02 Changes
- 7.04.03 Penalties
- 7.04.04 Changes

7.04.01 State criminal statutes adopted All the laws of the state of Arkansas, currently in effect, and the amendments thereto, are hereby adopted by the city of Shannon Hills, Arkansas, as the laws of the city of Shannon Hills, Arkansas. (Ord. No. 87-7, Sec. 1.)

7.04.02 Changes All subsequent additions, deletions and/or changes to the laws of the state of Arkansas shall be automatically adopted, by the city of Shannon Hills, Arkansas, and shall become the laws of the city of Shannon Hills, Arkansas, when they take effect. (Ord. No. 87-7, Sec. 2.)



7.04.03 Penalties All penalties for violations of the laws of the state of Arkansas are hereby adopted by the city of Shannon Hills, Arkansas, and shall be the penalties of the city of Shannon Hills, Arkansas, for violations of its laws. (Ord. No. 87-7, Sec. 3.)

7.04.04 Changes All subsequent additions, deletions and/or changes to the penalties for violations of the laws of the state of Arkansas shall be automatically adopted by the city of Shannon Hills, Arkansas, and shall become the penalties for violations of its laws, at the time they take effect. (Ord. No. 87-7, Sec. 4.)

## **CHAPTER 7.08**

### **POSTING ORDINANCES**

#### **Sections:**

##### **7.08.01          Public places**

7.08.01 Public places The following five places are designated the most public places in the city for the purposes of complying with A.C.A. 14-55-206:

Shannon Hills City Hall  
Shannon Hills Police Department  
Shannon Hills Fire Department  
Granny's Grill  
Shannon Hills Pharmacy  
(Ord. No. 2003-10, Sec. 1.)

## **CHAPTER 7.12**

### **PUBLIC PROPERTY**

#### **Sections:**

##### **7.12.01          Public property declared 7.12.02          Destruction 7.12.03          Fine**

7.12.01 Public property declared Be it ordained by the City Council of the city of Shannon Hills that after this ordinance to protect the property of the said city, whereas all public property such as street signs, road signs, water and sewer lines, lights, any and all property bought with public monies or public funds, city building, land, or anything of value belonging to the city of Shannon Hills shall be declared public property. (Ord. No. 79-2.)

7.12.02 Destruction It shall be unlawful for any person to destroy public property or properties of the city of Shannon Hills, Saline County, Arkansas. (Ord. No. 79-2, Sec. 1.)

7.12.03 Fine Penalty for destruction shall be no less than Ten Dollars (\$10.00) and court costs, or equal value there of violation of this ordinance shall carry no more than ninety (90) days in the county jail or both. (Ord. No. 79-2, Sec. 2.)

## **CHAPTER 7.16**

### **NUISANCES**

#### **Sections:**

- |         |                             |
|---------|-----------------------------|
| 7.16.01 | Unlawful                    |
| 7.16.02 | Garbage and refuse disposal |
| 7.16.03 | Livestock and poultry       |

7.16.01 Unlawful Hereafter, it shall be unlawful for any person, firm or corporation to conduct any activity within the corporate limits of Shannon Hills which is noxious or offensive to public decency, nor shall anything be done which may be or may become an annoyance or nuisance to the neighborhood. (Ord. No. 81-10, Sec. 1.)

#### **7.16.02 Garbage and refuse disposal**

- A. No property within the corporate limits of Shannon Hills, Arkansas, shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste material shall not be kept except in sanitary containers and shall be disposed of regularly. No accumulation of such waste material for an extended period (in excess of two weeks) shall be allowed.
- B. All incinerators and/or other equipment used for the storage or deposition of waste material shall be kept in a clean and sanitary condition. Further, units used for this purpose will be stored in the rear yard or be enclosed in a retaining wall which shields the rubbish from sight and does not detract from the aesthetic value of the neighborhood.



- C. Disposal by incineration is allowable for paper and wood products which do not emit a foul odor when burning. (Ord. No. 87-1, Sec. 1.)
- D. No garbage, animals or animal refuse may be incinerated at any time. (Ord. No. 81-10, Sec. 1.)

#### 7.16.03 Livestock and poultry

- A. No animals, livestock or poultry of any kind may be raised, bred, or kept within the corporate limits of Shannon Hills, except that family pets, such as dogs or cats, may be kept so long as they are not noisy or unruly to the extent that they are an annoyance to the neighborhood. No dog or cat may be kept, bred or maintained for any commercial purpose.
  - 1. It shall hereafter be unlawful for any person, firm, corporation or household to own, keep or harbor more than four (4) dogs or four (4) cats within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals and veterinarians when such dogs or cats are kept upon premises used by such animal hospital or veterinarians as their normal place of business. Keeping on the premises more than four (4) dogs or four (4) cats shall be prima facie evidence of violations of this section.
  - 2. It shall hereafter be unlawful for any person, firm, or corporation to own, keep, or harbor an unsprayed female canine/feline, six (6) months of age or older, within the city limits. (Ord. No. 88-4, Sec. 1.)
- B. Along with the acquisition of a family pet, comes the precise responsibility of caring for the animal in such a way that the animal is healthy and free of communicable disease. In addition, the owner assumes the responsibility for assuring that the animal is not a hazard or a nuisance to the community. Nuisance to the community includes a minimum of the following actions:
  - 1. Excessive noise and barking that disturbs the neighbors.
  - 2. Running free and menacing the people on public streets and private property.
  - 3. Overturning trash receptacles and spreading garbage and trash.
  - 4. Destruction and damage to public and private property, including the deposit of animal residue on other peoples' and public property.
  - 5. Any other actions which can cause discomfort and/or distress to other citizens. (Ord. No. 81-10, Sec. 2.)

- C. Failure to comply with this ordinance shall be a misdemeanor and the fine shall be Twenty-Five Dollars (\$25.00), plus court costs, if any, for the first offense and Ten Dollars (\$10.00) per day for offenses of a continuing nature. (Ord. No. 88-4, Sec. 2.)

## **CHAPTER 7.20**

### **CURFEW FOR MINORS**

#### **Sections:**

- |         |                             |
|---------|-----------------------------|
| 7.20.01 | Hours and fine              |
| 7.20.02 | In public places            |
| 7.20.03 | Fine for parent or guardian |

**7.20.01 Hours and fine** It shall be unlawful for any person under the age of eighteen (18) years to be, or remain in or upon any of the streets, alleys, or public places inside the city limits of the city of Shannon Hills, Arkansas, at night after the hours of 10:30 p.m. on Sunday through Thursday nights and midnight on Friday and Saturday nights or during a scheduled school day between the hours of 8:30 a.m. and 3:00 p.m., unless such person is accompanied by a parent, guardian or other adult person responsible for or having legal custody of such minor person; or such minor's gainful employment makes it necessary for such minor to be upon said streets, alleys or other public places after the specified hours; or on an emergency errand sanctioned by the parent, guardian or other adult person responsible for or having legal custody of the said minor.

Any person under the age of eighteen (18) years violating the provisions of this section shall upon conviction be fined in any sum not to exceed One Hundred Dollars (\$100.00) for each offense. (Ord. No. 2002-9, Sec. 1.)

**7.20.02 In public places** The fact that said minor unaccompanied by parent, guardian or other adult person responsible for or having the legal custody of the said minor is found upon any street, alley or other public place after the specified hours of the night or during the specified hours of a scheduled school day as set forth in 7.20.01 hereof shall be prima facie evidence that the minor is there unlawfully and that no reasonable excuse exists therefore. (Ord. No. 2002-9, Sec. 2.)

**7.20.03 Fine for parent or guardian** It shall be unlawful for any parent, guardian or other adult person responsible for or having the lawful care, custody and control of any person under the age of eighteen (18) years of age to allow, permit or suffer such minor to violate the provisions of this ordinance. Any parent, guardian or other adult person responsible for having



the legal custody of a minor under the age of eighteen (18) years, who permits, allows or suffers said minor to violate the provisions of this ordinance shall upon conviction be fined in an amount not to exceed One Hundred Dollars (\$100.00) for the first offense. (Ord. No. 2002-9, Sec. 3.)

## **CHAPTER 7.24**

### **NOISE**

#### **Sections:**

|         |                 |
|---------|-----------------|
| 7.24.01 | Prohibited      |
| 7.24.02 | Specific noises |
| 7.24.03 | Fine            |
| 7.24.04 | City limits     |

**7.24.01 Prohibited** The causing of any unreasonably loud and disturbing noises of such volume or duration as to be detrimental to the life or health of an individual(s), or to disturb the public peace and welfare is prohibited. The following acts are violations within the meaning of this ordinance:

- A. Person(s) who engages in fighting or in violent, threatening or tumultuous behavior;
- B. Person(s) who makes unreasonable or excessive noise; or
- C. Obstructs vehicular or pedestrian traffic;
- D. Person(s) who creates a hazardous or physically offensive condition under circumstances such that he is likely to endanger himself or other persons or property, or that he unreasonably annoys person(s) in his vicinity;
- E. Person(s) who engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose;
- F. Person who assembles with two or more other persons, and he has the purpose of engaging in conduct constituting a riot or other public disturbance;
- G. Person(s) who discharge fireworks, within the city limits, at any other time than during New Year's Eve, New Year's Day and the Fourth of July;

- H. Person(s) discharging any firearm or any kind within the city limits unless in self-defense or in the execution of legal process. (Ord. No. 99-11, Sec. 1.)

7.24.02 Specific noises In addition to the disturbances set forth in 7.24.01, the following are specifically prohibited: sustained automobile engine noises in private garages or driveways, unreasonably loud engine noises (muffled or un-muffled) upon the city streets and the playing of any radio, stereo, music reproduction system or musical instruments in such a manner or of such volume as to disturb the peace and tranquility of residents. (Ord. No. 99-11, Sec. 2.)

7.24.03 Fine Any person convicted of violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00). The Shannon Hills Police Department is hereby directed to enforce this ordinance. (Ord. No. 99-11, Sec. 3.)

## **CHAPTER 7.28**

### **FIREARMS**

#### Sections:

- |         |          |
|---------|----------|
| 7.28.01 | Unlawful |
| 7.28.02 | Fine     |

7.28.01 Unlawful Hereafter, it shall be unlawful for any person to fire, use or discharge any firearm of any kind within the corporate limits of the city of Shannon Hills, Arkansas, unless in self-defense or in the execution of legal process.

**Firearm** shall include any pellet, B-B, air rifle or pistol, or any other such weapon which is gas, air or spring operated. (Ord. No. 80-3, Sec. 1.)

7.28.02 Fine Any person convicted of violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed One Hundred Dollars (\$100.00) for each separate violation. (Ord. No. 80-3, Sec. 2.)



## CHAPTER 7.32

### 9-1-1 SERVICE

#### Sections:

|         |                                     |
|---------|-------------------------------------|
| 7.32.01 | Service charge                      |
| 7.32.02 | Modification of charge              |
| 7.32.03 | Collected                           |
| 7.32.04 | Mutual agreement with Saline County |
| 7.32.05 | Administrative fee                  |
| 7.32.06 | Separate revenue                    |
| 7.32.07 | Allowed expenditures                |

7.32.01 Service charge A service charge of 2.7% shall be levied on the basic tariff rate approved by the Arkansas Public Service Commission on all telephone access lines of any telephone system within the corporate limits of the city of Shannon Hills for the establishment of a 9-1-1 Public Safety Communications Center. (Ord. No. 87-5, Sec. 1.)

7.32.02 Modification of charge The percentage of the service charge may be modified by the City Council from time to time as necessary to fund the operation of the 9-1-1 system and communications center by simple amendment to this ordinance or collection may be suspended for certain periods of time, if it is determined that adequate revenues are currently available. (Ord. No. 87-5, Sec. 2.)

7.32.03 Collected Said service charge shall be collected by any telephone service supplier who provides telephone access service within the corporate limits of the city of Shannon Hills at such time as all service suppliers establish appropriate billing and collection procedures. (Ord. No. 87-5, Sec. 3.)

7.32.04 Mutual agreement with Saline County The Mayor is hereby authorized to enter into an Interlocal Agreement with Saline County, Arkansas, for the provision of 9-1-1 service and the collection 9-1-1 funds for the city of Shannon Hills, Arkansas. (Ord. No. 2000-16, Sec. 1.)

7.32.05 Administrative fee The service suppliers shall be entitled to retain as an administrative fee, an amount equal to one percent (1%) thereof. (Ord. No. 87-5, Sec. 5.)

7.32.06 Separate revenue 9-1-1 revenue remitted to the city shall be accounted for separately from other city revenues and any increase accrued by deposit or investment shall be credited the 9-1-1 account. (Ord. No. 87-5, Sec. 6.)

7.32.07 Allowed expenditures 9-1-1 revenues may be expended for only such expenditures as are allowed by Act 683 of 1985. (Ord. No. 87-5, Sec. 7.)

## CHAPTER 7.36

### SIGNS

#### Sections:

|         |                     |
|---------|---------------------|
| 7.36.01 | Placement           |
| 7.36.02 | Qualified candidate |
| 7.36.03 | Following election  |
| 7.36.04 | Public property     |
| 7.36.05 | Private property    |
| 7.36.06 | Fine                |

7.36.01 Placement Political signs shall not be placed in such a manner as to restrict the vision of ingress and/or egress from streets or driveways.

- A. Signs shall not be erected on vacant property without the written permission of the property owner.
- B. Signs shall not be erected on city property, and/or right-of-way without the written permission of the City Council.
- C. A copy of said written permission shall be provided to the city to be kept on file.
- D. Signs determined to be in violation of Section (A) of this ordinance, shall be removed by the city and maintained for thirty (30) days to be picked up by the owner. (Ord. No. 98-1, Sec. 1.)

7.36.02 Qualified candidate Political signs shall not be erected until the candidate is qualified and certified by the County Clerk or Secretary of State's office as a candidate for the particular office being sought, whether it be a primary election, general election, special election or run-off election. (Ord. No. 92-2, Sec. 2.)

7.36.03 Following election Political signs shall not remain erected for more than ten (10) days following the election they are for. (Ord. No. 92-2, Sec. 3.)

7.36.04 Public property Political signs remaining on public property more than ten (10) days following an election shall be removed and disposed of by the city. (Ord. No. 92-2, Sec. 4.)

7.36.05 Private property Political signs remaining on private property more than ten (10) days following an election shall be removed by the property owner. However, at the request of the property owner, the city will remove and dispose of said signs. (Ord. No. 92-2, Sec. 5.)



7.36.06 Fine Any person, firm or corporation found guilty of violation of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00), nor not more than One Hundred Dollars (\$100.00). (Ord. No. 92-2, Sec. 6.)

## **CHAPTER 7.40**

### **FIREWORKS**

#### Sections:

- 7.40.01 Discharging fireworks
- 7.40.02 Selling fireworks
- 7.40.03 Bottle rockets
- 7.40.04 Fine

7.40.01 Discharging fireworks It shall be unlawful for the discharge of fireworks within the city limits at any other time than during New Year's Eve, New Year's Day and the Fourth of July. (Ord. No. 85-2, Sec. 1.)

7.40.02 Selling fireworks It shall be unlawful to sell fireworks of any kind within the city limits of the city of Shannon Hills, Arkansas. (Ord. No. 88-2, Sec. 1.)

7.40.03 Bottle rockets It shall be unlawful for the discharge of bottle rockets at any time within the city limits of the city of Shannon Hills; there shall be no exceptions. (Ord. No. 93-1, Sec. 1.)

7.40.04 Fine A private person, firm, association, organization or corporation found to be in violation of this ordinance by a court of law, shall be guilty of a misdemeanor and shall pay a fine of not less than Twenty-Five Dollars (\$25.00) for each offense. (Ord. No. 85-2, Sec. 2.)

## CHAPTER 7.44

### ADOPTION OF PROGRAM MANUALS FOR THE CITY

#### Sections:

#### 7.44.01 Adoption of Manuals

##### 7.44.01 Adoption of Manuals

- A. The attached manual is hereby adopted as the Hazard Communication Program Manual for the city of Shannon Hills, Arkansas. (Ord. No. 93-4, Sec. 1.)
- B. The attached manual is hereby adopted as the Loss Prevention Program Manual for the city of Shannon Hills, Arkansas. (Ord. No. 93-5, Sec. 1.)
- C. The attached manual is hereby adopted as the Safety Policy Program Manual for the city of Shannon Hills, Arkansas. (Ord. No. 93-6, Sec. 1.)
- D. The attached manual is hereby adopted as the Communicable Disease Policy Manual for the city of Shannon Hills, Arkansas. (Ord. No. 93-7, Sec. 1.)



## TITLE 8

### VEHICLES AND TRAFFIC

#### Chapters:

- 8.04 Adoption of State Laws
- 8.08 Careless Driving
- 8.12 Use of ATV's
- 8.16 Non-Operating Vehicles
- 8.20 Impounded Vehicles
- 8.24 Parking
- 8.28 Fire Lanes
- 8.32 Outdoor Shielded Lighting
- 8.36 Donnie Drive
- 8.40 Truck Routes

#### CHAPTER 8.04

#### ADOPTION OF STATE LAWS

#### Sections:

- 8.04.01 Adoption of state laws
- 8.04.02 Penalties

8.04.01 Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 27 of the Arkansas Statutes, is hereby adopted and enacted as the traffic laws for the city of Shannon Hills, Arkansas. (Ord. No. 79-9, Sec. 1.)

8.04.02 Penalties The same penalties as set forth in such statutes for violation classified as misdemeanors are enacted and adopted by the city of Shannon Hills, Arkansas. (Ord. No. 79-9, Sec. 2.)

## CHAPTER 8.08

### CARELESS DRIVING

#### Sections:

|         |                  |
|---------|------------------|
| 8.08.01 | Driving          |
| 8.08.02 | Careless driving |
| 8.08.03 | Prohibitive acts |
| 8.08.04 | Penalty          |
| 8.08.05 | City offenses    |
| 8.08.06 | Penalties        |

8.08.01 Driving Any person operating a vehicle on the streets of Shannon Hills, Arkansas, shall give their full time and entire attention to the operation of the vehicle. (Ord. No. 2004-13, Sec. 1.)

#### 8.08.02 Careless driving

- A. Any person operating a vehicle on the streets of Shannon Hills, Arkansas, in a careless, inattentive or imprudent manner or without proper registration, current vehicle tags, current drivers' license and proof of insurance is guilty of a misdemeanor. (Ord. No. 2004-13, Sec. 2.)
- B. Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, corners, traffic, weather, road conditions and all other attendant circumstances is guilty of a misdemeanor. The charge for which is "careless driving." (Ord. No. 99-10, Sec. 2.)

8.08.03 Prohibitive acts It shall be unlawful for any person to operate or drive any vehicle on the public thoroughfares or private property in Shannon Hills, Arkansas, in violation of the following prohibited acts:

- A. Improper or unsafe lane changes on public roadways;
- B. Driving onto or across private property to avoid intersections, stop signs, traffic control devices or traffic lights;
- C. Driving in such a manner, or at such a speed, as to cause a skidding, spinning or sliding of tires or a sliding of the vehicle;
- D. Driving a vehicle which has any part thereof, or any object extended in such a fashion as to endanger persons or property;



- E. To operate any vehicle in such a manner which would cause a failure to maintain control, or
- F. To operate or drive a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers. (Ord. No. 99-10, Sec. 3.)

8.08.04 Penalty The penalty for a person found guilty of "careless driving" shall be no less than Fifty Dollars (\$50.00) and no more than Two Hundred Dollars (\$200.00). (Ord. No. 99-10, Sec. 4.)

8.08.05 City offenses Ord. No. 2004-13 shall cover the following offenses and shall be considered "city offenses" and offenses will not be reported to Arkansas Driver Control unless a "Failure to Appear" or a "Failure to Pay" warrant is issued. If a "FTA" or "FTP" warrant is issued, Driver Control will be contacted and the defendant's driver's license will be suspended. (Ord. No. 2004-13, Sec. 3.)

8.08.06 Penalties The penalties for the following offenses shall be:

|  |              |          |
|--|--------------|----------|
| Speeding                                     | 1 – 10 over  | \$130.00 |
| Speeding                                     | 11 – 20 over | \$150.00 |
| Speeding                                     | 21 or more   | \$200.00 |
| Speeding in a school zone (children present) |              | \$150.00 |
| Public intoxication                          |              | \$200.00 |
| Open container                               |              | \$150.00 |
| No proof of insurance                        |              | \$150.00 |
| Running stop sign                            |              | \$125.00 |
| Expired tags                                 |              | \$130.00 |
| No drivers license                           |              | \$130.00 |
| Defective equipment                          |              | \$130.00 |
| Disturbing the peace                         |              | \$150.00 |
| Disorderly conduct                           |              | \$200.00 |

Plus, a \$5.00 fee to the county (for operation of the county jail) is to be added to each charge per city ordinance. (Ord. No. 2004-13, Sec. 4.)

## CHAPTER 8.16

### NON-OPERATING VEHICLES

#### Sections:

|         |                        |
|---------|------------------------|
| 8.16.01 | Definition             |
| 8.16.02 | Permit required        |
| 8.16.03 | Application for permit |
| 8.16.04 | Privilege license      |
| 8.16.05 | Permit fee             |
| 8.16.06 | Fine                   |

#### 8.16.01 Definition

**Vehicle** shall mean a conveyance originally designed for use as a motor vehicle, boat, utility trailer, travel trailer, motor home or boat trailer. However, it shall not mean a mobile home permanently erected on property for use as a dwelling. (Ord. No. 88-6, Sec. 1.)

8.16.02 Permit required It shall be unlawful for any person and/or corporation to keep and/or allow to be kept within the city limits of the city of Shannon Hills, Arkansas, one or more unregistered/disabled vehicle, or major parts thereof, originally manufactured for highway use unless a permit has been issued for said vehicle or major parts thereof, by the city of Shannon Hills, Arkansas. (Ord. No. 88-6, Sec. 3.)

8.16.03 Application for permit Owners of property within the city limits of Shannon Hills, Arkansas, having on their property, vehicles or major parts thereof, as described in 8.16.02, shall on or before the first day of each month apply for or cause to be applied for a permit for each vehicle or major parts thereof. Each application shall have the manufacturer's name, model, vehicle color and vehicle identification number of the vehicle or major parts thereof, the name and address of the owner of said vehicle and the name and address of the property owner where the vehicle or major parts thereof are kept, if it is different from that of the vehicle owner. (Ord. No. 83-4, Sec. 2.)

8.16.04 Privilege License This ordinance shall not pertain to individuals and/or corporations that have paid for a Privilege License for a business that would normally have used vehicles for sale or repair on their property. Further, this ordinance shall not apply to vehicles that are inside a building enclosed on all sides and not visible from the outside of said building. (Ord. No. 83-4, Sec. 3, amended by Ord. No. 88-6, Sec. 5.)

8.16.05 Fee permit A fee of Five Dollars (\$5.00) shall be charged per permit, such permits shall be invalid after the last day of the month for which it was issued. (Ord. No. 83-4, Sec. 4.)



8.16.06 Fine Any person and/or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00) (Ord. No. 83-4, Sec. 5.)

## **CHAPTER 8.20**

### **IMPOUNDED VEHICLES**

#### **Sections:**

- |         |                      |
|---------|----------------------|
| 8.20.01 | Location             |
| 8.20.02 | Storage fee          |
| 8.20.03 | Charges paid         |
| 8.20.04 | Vehicles not claimed |

8.20.01 Location When the Shannon Hills Police Department has a vehicle to impound, at their discretion, the vehicle may be impounded within the fenced area around the Police Department's building. (Ord. No. 91-7, Sec. 1.)

8.20.02 Storage fee The daily storage fee shall be set by the Police Chief, but, in no case, shall it be higher than the highest fee collected by other impoundment lots within Saline County. (Ord. No. 91-7, Sec. 2.)

8.20.03 Charges paid Prior to the release of an impounded vehicle, all towing and storage charges shall be paid. (Ord. No. 91-7, Sec. 3.)

8.20.04 Vehicles not claimed Vehicles not recovered by their owner within the time prescribed by law shall be disposed of by the Police Chief in the manner prescribed by law. (Ord. No. 91-7, Sec. 4.)

## **CHAPTER 8.24**

### **PARKING**

#### **Sections:**

- |         |                  |
|---------|------------------|
| 8.24.01 | Correct parking  |
| 8.24.02 | Traffic engineer |
| 8.24.03 | Angle parking    |

|         |                  |
|---------|------------------|
| 8.24.04 | Loading          |
| 8.24.05 | No parking       |
| 8.24.06 | Blocking traffic |
| 8.24.07 | Emergency        |
| 8.24.08 | No parking signs |
| 8.24.09 | Truck parking    |
| 8.24.10 | Fine             |

8.24.01 Correct parking No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels, except upon a one-way roadway, within eighteen (18) inches of the curb or edge of the roadway, except where angle or diagonal parking is required. In the case of angle or diagonal parking, no person shall stand or park a vehicle other than with the front of such vehicle directed toward the front or curb of said angle or diagonal parking space. (Ord. No. 81-12, Sec. 1.)

8.24.02 Traffic engineer Until such time as the City Council appoints some other person traffic engineer, which appointment shall be by resolution of the City Council, the Mayor is hereby designated as traffic engineer for the city. (Ord. No. 81-12, Sec. 2.)

8.24.03 Angle parking

- A. The traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets.
- B. Upon those streets which have been signed or marked by the traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Ord. No. 81-12, Secs. 3-4.)

8.24.04 Loading The traffic engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued to the owner or lease of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. No person shall back a vehicle to the curb for the purpose of loading or unloading except according to the terms of such a permit. (Ord. No. 81-12, Sec. 5.)

8.24.05 No parking No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a law enforcement officer or traffic-control device, in any of the following places:

- A. On a sidewalk or parkway;



- B. In front of a public or private driveway or within five (5) feet thereof;
- C. Within an intersection;
- D. Within fifteen (15) feet of a fire hydrant;
- E. On a crosswalk or within twenty (20) feet thereof;
- F. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, yield right-of-way sign, or traffic control signal located at the side of a roadway;
- G. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic engineer has indicated a different length by signs or markings;
- H. Within fifty (50) feet of the nearest rail of a railroad crossing;
- I. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;
- J. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- K. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- L. Upon any bridge, viaduct, overpass, underpass, or any other type of grade separation, and upon the approaches to same;
- M. In front of or within ten (10) feet of a mailbox;
- N. In front of any place of business assembly during the period of public assemblage therein, or of a principal exit or entrance to a school, hotel, theater, hospital or public building;
- O. To obstruct or impede traffic in any manner.  
(Ord. No. 81-12, Sec. 6.)

8.24.06 Blocking traffic No person shall stop, stand, or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs, or signals of a law enforcement officer. (Ord. No. 81-12, Sec. 7.)

8.24.07 Emergency No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale or advertising;
- B. Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency. (Ord. No. 81-12, Sec. 8.)

8.24.08 No parking signs The traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs prohibiting parking are erected upon streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. (Ord. No. 81-12, Sec. 9.)

8.24.09 Truck parking No person shall park a truck, tractor, or trailer with a capacity of three quarter ton or larger, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m., nor shall any person use any street for the purpose of repairing or reconditioning any such truck, trailer or any common carrier or any part thereof, except when such repairs shall be necessitated by an emergency. (Ord. No. 81-12, Sec. 10.)

8.24.10 Fine Failure to comply with the provisions of this ordinance shall be a violation and the penalty shall be Two Dollars (\$2.00) if paid within forty-eight (48) hours of the time and date of issue, Five Dollars (\$5.00) if paid within five (5) working days of the time and date of issue. After five (5) days a warrant for the arrest of said violator shall be issued and the fine shall be that set by the court. (Ord. No. 83-16, Sec. 4.)

## **CHAPTER 8.28**

### **FIRE LANES**

#### **Sections:**

- 8.28.01 Specific lanes
- 8.28.02 Parking in fire lane
- 8.28.03 Removal of violators
- 8.28.04 Fine

8.28.01 Specific lanes The first twenty (20) feet on the south and west side of the building now housing Shamrock Grocer, Shannon Hills Coin Laundry, Shannon Hills Family Restaurant and Shannon Hills Mini-Mall shall be a fire lane and it shall be the responsibility of the owner of said building to plainly mark said fire lane by, but not limited to, the following:



painting the curb, lining the pavement of the parking lot within twenty (20) feet of the building and erecting signs on the posts along the sidewalk stating fire lane, no parking. (Ord. No. 83-16, Sec. 1.)

8.28.02 Parking in fire lane It shall be illegal for any private person, firm, association or corporation to allow a motor vehicle or any other obstruction to remain in a fire lane for any reason. (Ord. No. 83-16, Sec. 2.)

8.28.03 Removal of violators The city shall have the right to have removed from roadways, alleys, easements or fire lanes, vehicles, that are impeding traffic, that are a threat to the health and welfare of the citizens of the city, or a disabled vehicles, that are impeding traffic, that are a threat to the health and welfare of the citizens of the city, or a disabled vehicle left unattended for forty-eight (48) hours or more. Removal shall be by a competent wrecker service and the owner of said vehicle shall be responsible for payment for the removal and all other expenses, including, but not limited to storage. (Ord. No. 83-16, Sec. 3.)

8.28.04 Fine Failure to comply with the provisions of this ordinance shall be a violation and the penalty shall be Two Dollars (\$2.00) if paid within forty-eight (48) hours of the time and date of issue, Five Dollars (\$5.00) if paid within five (5) working days of the time and date of issue. After five (5) days a warrant for the arrest of said violator shall be issued and the fine shall be that set by the court. (Ord. No. 83-16, Sec. 4.)

## **CHAPTER 8.32**

### **OUTDOOR SHIELDED LIGHTING**

#### **Sections:**

#### **8.32.01 Exemption**

##### **8.32.01 Exemption**

- A. House Bill 1027, Section 1 amends A.C.A. 6-14-104 to allow exemptions by municipalities and/or counties if the governing body of said municipality or county determines by ordinance to authorize said exemption.
- B. If an existing outdoor lighting fixture exempted by this ordinance under subdivision (B)(3)(A) of Section 1 is replaced, the replacement will be subject to A.C.A. 6-14-104 as amended. (Ord. No. 2006-6, Secs. 1-2.)

## **CHAPTER 8.36**

### **DONNIE DRIVE**

#### **Sections:**

- |         |                        |
|---------|------------------------|
| 8.36.01 | Speed bumps            |
| 8.36.02 | One hour parking signs |
| 8.36.03 | Fine                   |

**8.36.01 Speed bumps** The City Council of Shannon Hills hereby authorizes the requested speed bumps to be placed at the discretion of the Public Works Manager. (Ord. No. 2004-4, Sec. 2.)

**8.36.02 One hour parking signs** The City Council of Shannon Hills hereby declares and orders that no long term parking is allowed on Donnie Drive. Furthermore, the City Council of Shannon Hills directs the Public Works Manager to erect "One hour parking" signs on Donnie Drive. (Ord. No. 2004-4, Sec. 3.)

**8.36.03 Fine** Parking on the right edge of the street for a period not to exceed one hour shall be allowed at all times for visitation, yard sales, loading, unloading and for other purposes. Violation of this ordinance will result in a citation being issued and the violation carries a penalty of Twenty-Five Dollars (\$25.00) on the first offense, Fifty Dollars (\$50.00) on the second offense, One Hundred Dollars (\$100.00) on the third offense and each time (offense) thereafter. Refusal to move the vehicle after a warning and/or a citation is given will result in a penalty of up to Two Hundred Fifty Dollars (\$250.00). (Ord. No. 2004-4, Sec. 4.)

## **CHAPTER 8.40**

### **TRUCK ROUTES**

#### **Sections:**

- |         |             |
|---------|-------------|
| 8.40.01 | Tonnage     |
| 8.40.02 | Truck route |
| 8.40.03 | Exceptions  |
| 8.40.04 | Penalty     |



8.40.01 Tonnage It shall be illegal for any private person, firm, association, organization or corporation to operate, or cause to be operated, upon the roadways of the city of Shannon Hills, Arkansas, a motor vehicle manufactured to carry a load of more than 1 ½ ton (3,000 pounds), a tractor trailer combination or a tractor mobile home combination. (Ord. No. 83-15, Sec. 1.)

8.40.02 Truck route It shall be the responsibility of the city Traffic Engineer to establish a truck route for trucks larger than those specified in 8.40.01 to travel through the city. (Ord. No. 83-15, Sec. 2.)

8.40.03 Exceptions This ordinance does not pertain to vehicles owned and/or operated by Improvement Districts, city, county, state or federal governments, the tractor portion of a tractor trailer, or vehicles owned by residents of the city, possessing a current privilege license issued by the city of Shannon Hills, that would in their normal course of operation have a vehicle of larger capacity than that specified in 8.40.01. Furthermore, it does not pertain to vehicles making deliveries within the city limits or vehicles of an emergency nature. This ordinance does not pertain to designated truck routes. (Ord. No. 83-15, Sec. 3.)

8.40.04 Penalty A private person, firm, association, organization or corporation found in violation of this ordinance shall be guilty of a misdemeanor and shall be fined no less than Twenty-Five Dollars (\$25.00) for the first offense and no less than One Hundred Dollars (\$100.00) for the second and subsequent offenses. (Ord. No. 83-15, Sec. 4.)

## TITLE 9

### STREETS AND SIDEWALKS

#### Chapters:

- 9.04 Excavations and Alterations
- 9.08 Construction of Roads

#### CHAPTER 9.04

#### EXCAVATIONS AND ALTERATIONS

#### Sections:

- 9.04.01 Permit
- 9.04.02 Additional requirements
- 9.04.03 Permit available at job site
- 9.04.04 Fine

9.04.01 Permit Any person, firm or corporation desiring to install or repair any utility lines or do any other work within right-of-way of any road of this city shall first obtain a permit to do such installation or maintenance work from the Mayor. There will be a One Dollar (\$1.00) fee charged for the issuance of such permit, but any person, firm or corporation desiring a permit must agree in writing before the permit is issued to repair any damage done to the city road during such maintenance or installation work and restore the surface of the roadway upon completion of the work. Unless a dire emergency exists, the persons responsible shall drill such lines under the roadway. (Ord. No. 81-14, Sec. 1.)

9.04.02 Additional requirements They Mayor is hereby authorized to place additional requirements upon any permit issued as he may feel reasonable to insure that free passage of traffic upon the city road is not unduly interrupted by such work and that the road surface damaged thereby is promptly and adequately restored. (Ord. No. 81-14, Sec. 2.)

9.04.03 Permit available at job site Any person, firm or corporation receiving a permit to work on the right-of-way of a city street must keep the permit available for inspection at the job site at all times the work is in progress. (Ord. No. 81-14, Sec. 3.)



9.04.04 Fine The person, firm or corporation receiving the permit to work on the city right-of-way shall be responsible for maintaining the damaged section until established procedures for repair are met. The person issued the permit will be informed by the Mayor as to the date repairs must be completed. In no instance shall this time period be more than thirty (30) days. Failure to obtain a permit or to complete the required repairs after the period named shall result in a fine of not more than Five Hundred Dollars (\$500.00). (Ord. No. 81-14, Sec. 4.)

## **CHAPTER 9.08**

### **CONSTRUCTION OF ROADS**

#### **Sections:**

|         |  |
|---------|--|
| 9.08.01 | Requirement                              |
| 9.08.02 | Minimum standards                        |
| 9.08.03 | Inspection and repairs                   |
| 9.08.04 | City Council Notation                    |
| 9.08.05 | Owners' and developers' responsibilities |
| 9.08.06 | Fine                                     |
| 9.08.07 | Private drives                           |
| 9.08.08 | Naming roads                             |
| 9.08.09 | Permit for construction                  |
| 9.08.10 | Violation                                |

9.08.01 Requirement Any road developed by a private person, firm, association, organization or corporation which will eventually require acceptance of such road or roads by the city of Shannon Hills, Arkansas, for incorporation in their road system will be required to meet the minimum standards outlined in this ordinance. (Ord. No. 83-10, Sec. 1.)

9.08.02 Minimum standards Minimum requirements for all roads to be accepted by the city shall be as follows:

- A. A minimum of fifty (50) foot right-of-way, calculated from the center of the road, shall be required in all instances. Additionally a ten (10) foot utility and road work easement, five (5) feet on each side of the road beginning where the city right-of-way ends, is required, except when curbs and gutters are used.
- B. The road bed, or crown width shall be a minimum of twenty-eight (28) feet wide with eight (8) foot being shoulder.

- C. A minimum crown slope of three (3) inches is required.
- D. A minimum of six (6) inches of SB-2 gravel, compacted on the road base, is required with the following exceptions:
  - 1. The Mayor, in writing, may authorize a comparable substitute to be used in the place of SB-2.
  - 2. Additional base material will be required in areas where inadequate sub-surface soil conditions exist. Such additional requirements may be imposed by the Mayor.
- E. No road shall be accepted by the city unless adequate drainage is provided. Drainage must be designed so that water will not collect or stand at any point in the road right-of-way and any drainage crossing the roadway must have sufficient tile and carrying capacity to insure that water will not run across the roadway. Tile used for drainage will be either reinforced concrete or metal.
- F. The surface of the road at intersections shall flare on both sides with a radius of eighteen (18) feet.
- G. Maximum grade shall be fifteen percent (15%).
- H. Minimum angle of intersections shall be 75<sup>0</sup>.
- I. Minimum requirements of grade and angle of intersection may be modified for short distances by the Mayor, in writing, under extraordinary circumstances.
- J. Sloped drainage ditches, with a minimum depth of 15 inches, are required for each side of the road bed and are to be contoured to facilitate the flow of surface water resulting from rain.
- K. Roadways that will permanently or temporarily be dead ended will require a cul-de-sac. Said cul-de-sac shall have a right-of-way of one hundred (100) feet in diameter of which seventy-five (75) feet shall be paved. Sub-surface, paving and drainage shall meet the same specifications as the roadway proper. At such time as temporary dead end roads are continued excess right-of-way may revert to the developer, the adjacent landowner or the city at the developer's discretion.
- L. A prime coat of at least .3 gallons per square yard is required prior to laying hot mix.
- M. A minimum of two (2) inches of hot mix asphalt, after being rolled, is required on the entire twenty (20) feet of roadway. (Ord. No. 83-10, Sec. 2.)



9.08.03 Inspection and repairs Roads built to city specifications shall be accepted into the city road system after the completion of construction at the request of the road builder. However, city maintenance shall not begin until one year after acceptance. Prior to the end of the one year period, the Mayor or city street worker will make an inspection of the road and notify the road builder of all defects which must be corrected before the city will assume responsibility for the maintenance of said road. Persons, firms, associations, organizations or corporations being responsible for such repairs and failing to do so shall be deemed guilty of a misdemeanor as outlined under the penalty section of this ordinance. (Ord. No. 83-10, Sec. 3.)

9.08.04 City Council Notation The City Council of the city of Shannon Hills, Arkansas, may grant preliminary approval of subdivision requests prior to the completion of roads, provided however, this approval is not final and will not be final until the roads are constructed to city specifications. The following notation shall be placed on all plats that are granted such preliminary approval:

#### **City Council Notation**

This subdivision contains certain streets that are intended to be dedicated to the city for maintenance. The City Council allows this plat to be approved for filing, however, the streets are not at this time accepted for maintenance by the city. At such time as the owners or developers of said subdivision construct the streets to meet city specifications, this plat will be signed and these roads will be accepted by the city. One year from that date the city will begin maintenance on these roads, provided however, that at the end of one year they are approved by the Mayor or street worker or brought up to their standards. Prior to the end of this time, the subdivider shall be responsible for correcting all defects in the roads.

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Mayor

(Ord. No. 83-10, Sec. 4.)

9.08.05 Owners' and developers' responsibilities Owners and developers selling property in metes and bounds and building roads which will eventually be turned over to the city for maintenance shall be responsible for meeting the minimum requirements set out in this ordinance. (Ord. No. 83-10, Sec. 5.)

9.08.06 Fine A private person, firm association, organization or corporation found to be constructing roads to be turned over to the city and not building these roads to city specifications, shall be deemed guilty of a misdemeanor and shall be fined Fifty Dollars (\$50.00) for every day that such roads are not brought up to city specifications. A private person, firm, association, organization or corporation who fails to correct defects in roads at the end of the one year period shall be deemed guilty of a misdemeanor and starting thirty (30) days after written notification of said defects shall be fined Fifty Dollars (\$50.00) for every day that such roads are not repaired. (Ord. No. 83-10, Sec. 6.)

9.08.07 Private drives Private drives must be tiled and constructed so as not to impede the proper drainage of the roadway and ditches. (Ord. No. 83-10, Sec. 7.)

9.08.08 Naming roads All roads accepted into the city road system shall be named and shall have a road sign at each intersection showing the name of that road and the road intersecting it prior to acceptance. To insure that there is not duplication of names or such closeness of names that it might be confusing to the public and/or emergency personnel said road names shall be approved by the City Council. (Ord. No. 83-10, Sec. 8.)

9.08.09 Permit for construction Any private person, firm, association, organization or corporation planning to construct roadways or private drives (driveways) within the city limits shall procure from the Mayor's office a permit for said construction prior to any construction taking place. Said permit shall specify the minimum size tile required for driveways. (Ord. No. 83-10, Sec. 9.)

9.08.10 Violation A violation of any section of this ordinance shall be that specified in 9.08.06. (Ord. No. 83-10, Sec. 10.)



## TITLE 10

### UTILITIES

#### Chapters:

- 10.04 Sewer Regulations
- 10.08 Assets Transferred to City
- 10.12 Water Purchase and Rates
- 10.16 Sewer Purchase and Rates
- 10.20 Cross-Connection Control 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 Disconnecting sewers
- 10.04.06 Use of public sewers
- 10.04.07 Protection from damage
- 10.04.08 Powers and authorities of Inspectors
- 10.04.09 Industrial Wastewater Discharge permits
- 10.04.10 Penalties
- 10.04.11 Yard lines

10.04.01 Definitions All technical terms not defined herein and used in this ordinance are defined as in Title 40 Code of Federal Regulations and are subject to modification by the Congress of the United States. Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

**Act or the Act** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as adopted into the Arkansas Water and Air Pollution Control Act, Act 472 of 1949 as amended, A.D.A. 8-4-101, et seq.

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

**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.

**Control manhole** shall mean the manhole through which or into which the majority of the significant industrial wastestreams from a discharger flows and which is suitable for obtaining representative samples.

**Discharger** shall mean any person who contributes, causes, or permits the contribution of wastewater into the city's POTW.

**Environmental Protection Agency of EPA** shall mean the United States Environmental Protection Agency.

**Extra strength surcharge or surcharge** shall mean the additional monthly sewer charge assessed to persons discharging wastewater exceeding average domestic concentrations for BOD, TSS, and/or oil and grease. The surcharge is based upon the pounds of pollutant discharged and reflects the additional cost of treating high-strength discharges.

**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.

**Grab sample** shall mean individual samples collected over a period of time not exceeding fifteen (15) minutes.

**Health Officer** shall mean any authorized representative of the Arkansas Department of Pollution Control and Ecology, the Arkansas State Department of Health, the Pulaski County Health Department, or any other duly authorized individual with jurisdiction.

**Individual wastes** shall mean the liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewerage.

**Interference** shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:



- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of any requirement of POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the appropriate federal, state, or local regulations.

**Manager** shall mean the manager of the Shannon Hills, Water, Sewer and Fire Protection Improvement District #3 or his authorized deputy, agent, representative, or successor.

**National Categorical Pretreatment Standard or Pretreatment standard** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of Industrial Users as adopted into Section 4 of Regulation #6: Regulations for State Administration of the National Pollutant Discharge Elimination System.

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

**NPDES** shall mean the National Pollution Discharge Eliminations System.

**Non-contact cooling water** shall mean the water discharges from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**Objectionable waste** shall mean any wastes that can harm either the sewers, sewer treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, health, or property, or constitutes a nuisance.

**Oil and grease** shall mean a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty materials, as may from time to time be designated by the Manager of the Little Rock Wastewater Utility. Oil and grease may be determined by the Soxhlet Method of the partition-gravimetric method as outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater.

**Pass through** shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

**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.

**Pretreatment** shall mean the treatment of wastewater before introduction into a publicly owned sewerage system.

**Pretreatment program** shall mean the utility's EPA and/or Arkansas Department of Pollution Control and Ecology approved program to administer the requirements of 40 C.F.R. 403, the General Pretreatment Regulations, and associated National Categorical Standards as adopted into Section 4 of Regulations #6: Regulations for State Administration of the National Pollutant Discharge Elimination System.

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

**Publicly owned Treatment Works of POTW** shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. S1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, dischargers to the city's POTW.

**POTW Treatment Plant** shall mean that portion of the POTW designed to provide treatment to wastewater.

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

**Secure sample point** shall mean any access point to a building sewer which is used for the purpose of collecting a wastewater sample where the utility is required to maintain custody of the sample.

**Sewage** shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industries.

**Sewer system** shall mean the sewerage works as operated by the Shannon Hills Water, Sewer and Fire Protection Improvement District #3, or its successors.

**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.

**Significant industry or significant discharger** shall mean any industry which discharges to the POTW that:



- A. Is subject to federal categorical standards.
- B. Discharges a non-domestic wastestream of 25,000 gallons per day or more.
- C. Contributes a no-domestic wastestream which makes up 5 percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
- D. Has a reasonable potential, in the opinion of the Manager, to adversely affect the POTW (interference, pass through of pollutants, sludge contamination, or endangerment of POTW workers).

**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 flow during normal operation.

**Standard Industrial Classification** or **SIC** shall mean a classification pursuant to the Standard Industrial Classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**State** shall mean the state of Arkansas.

**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.

**Suspended solids** shall mean the weight per volume of liquid in mg/L of filterable residue left on a standard glass fiber filter which has been dried at 103-105<sup>0</sup>C. for one hour in accordance with 40 C.F.R. 136.

**Toxic pollutant** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307 (a) or other acts.

**Unpolluted water(s)** shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provides.

**Upset** shall mean a exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in this ordinance or the Discharger's Industrial Wastewater Discharge Permit, due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operational

error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

**Utility** shall mean the Shannon Hills Water, Sewer and Fire Protection Improvement District #3, including the POTW, personnel, and authorized representatives, or successors.

**Watercourses** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 89-5, Art. I.)

#### 10.04.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Shannon Hills, Arkansas, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city of Shannon Hills, Arkansas, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the property line. (Ord. No. 89-5, Art. II.)

#### 10.04.03 Private sewage disposal system

- A. Where a public sanitary sewer is not available under the provisions of Section 10.04.02(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this ordinance.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Sanitarian, or the State Department of Health.



- C. The type, capacities, locations, and layout of private sewage disposal systems shall comply with all recommendations of the State Department of Health of the state of Arkansas and the Pollution Control Commission.
- D. When a public sewer becomes available, the building sewer shall be connected to said sewer within thirty (30) days after official notification, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 89-5, Art. III.)

#### 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 Manager of the utility.
- 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 utility. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit and inspection fee of Ten Dollars (\$10.00) for a residential or commercial building and Twenty-Five Dollars (\$25.00) for an industrial sewer permit shall be paid to the utility at the time the application is filed. Coincident with application for a permit, a connection fee shall be paid the utility. Said fee shall be in proportion to the sewage treatment capacity required by the connected facility in accordance with a schedule adopted by the utility.
- 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 and/or the utility from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except as follows: Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the utility, to meet all requirements of this ordinance and other rules and regulations of the utility.

- 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 rules and regulations of the utility, the Building and Plumbing Codes 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 a means approved by the utility 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 rules and regulations of the utility, the Building and Plumbing Codes 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 Utility Manager prior to installation.
- J. The applicant for the building sewer permit shall notify the Manager of the utility when the building sewer is ready for inspection and connection to the public sewer. All portions of the building sewer shall be inspected and approved by the Manager or his designee before backfilling.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. No. 89-5, Art. IV.)

#### 10.04.05 Disconnecting sewers

- A. Before any dwelling or other building being served by the public sewer is moved or demolished, the building sewer serving said building shall be disconnected from the sewer at the property line and the remaining building sewer sealed to prevent the entrance of stormwater and debris into the public sewer. Prior to the demolition or moving of any building served by the public sewer, application



shall be made to the office of the utility for disconnect and seal of the building sewer by the utility. The fee for disconnecting and sealing is Seventy-Five Dollars (\$75.00).

- B. At least three (3) days before the building is moved or demolished, but after it is no longer occupied, the party making the application mentioned in (B) above, shall notify the utility that the building sewer is ready for disconnecting and sealing. (Ord. No. 89-5, Art. V)

#### 10.04.06 Use of public sewers

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, non-contact cooling water, or unpolluted waters to any sanitary sewer.
- B. Stormwater, non-contact cooling waters, or any other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city, to a storm 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 liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion hazard or be injurious in any other way to the POTW or the operation of the POTW. Such materials include, but are not limited to, gasoline, benzene, naphtha, fuel oil, kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, or sulfides. At no time shall two successive readings on an explosive hazard meter, at the point of discharge into the system (or at any other point in the system) be more than ten percent (10%) nor any single reading over twenty-percent (20%) of the Lower Explosive Limit (LEL) of the meter.
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases or oxygen demanding waste in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to contaminate the POTW sludges, scum, or residue to such a level to render them unacceptable for economical reuse or reclamation, to pass through the POTW and cause a violation of the

NPDES Permit or create a toxic effect in the receiving stream, to cause a public nuisance, or to constitute a hazard to the POTW workers, the public, or animals.

4. Any solid or viscous substances in quantities or of such size capable of creating a stoppage, plugging, breakage, any reduction in sewer capacity or any other damage to the sewers or sewerage facilities of the utility, or the Little Rock Wastewater Utility such as, but not limited to, ashes, cinders, sand, plastics, wood, unground garbage, whole blood and fleshings, entrails and paper dishes, cups, milk containers, etc.

Any additional sewer or sewerage maintenance expenses caused by such a discharge, or any other expenses attributable thereto will be charged to the discharger by the utility. Any refusal to pay the additional maintenance expense duly authorized by the Manager shall constitute a violation of the provisions contained herein.

5. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five (65) degrees C) at the point of discharge, or any wastewaters discharged at such a volume and temperature that will cause the POTW influent to exceed forty (40) degrees C, of One Hundred Four (104) degrees F.
6. Any pollutants, including oxygen demanding pollutants discharged at a flow rate or concentration that will cause interference, upset or loss of efficiency at the POTW. In no case shall a slug load have a flow rate or contain concentration or quantity of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantity, or flow during normal operation of the discharger.
7. Any waters or wastes having a pH lower than 5.0 S.U. or having any other corrosive property capable of causing damage or hazard to the structures, equipment, and personnel of the sewage works (POTW).
8. Any waters or wastes which will cause the influent concentration at the POTW treatment plant to exceed the following limits:

| <u>Element</u>   | <u>mg/L</u> |
|------------------|-------------|
| Arsenic          | 0.065       |
| Barium           | 5.00        |
| Boron            | 1.00        |
| Cadmium          | 0.039       |
| Chromium (total) | 0.22        |



|           |       |
|-----------|-------|
| Copper    | 0.20  |
| Cyanide   | 0.05  |
| Lead      | 0.26  |
| Manganese | 1.00  |
| Mercury   | 0.010 |
| Nickel    | 0.30  |
| Silver    | 0.37  |
| Zinc      | 0.41  |

The utility will develop and assign discharge permit limits for its permitted dischargers based upon the above limitations and the appropriate criteria. The specific permit limits will be developed to ensure the above limits are not exceeded at the POTW treatment plant.

In addition, the utility may develop specific discharge limitations for any other toxic pollutants which may be determined to be of sufficient quantity to possibly cause POTW interference, POTW pass through, endanger the health and safety of the POTW personnel or general public, cause a POTW permit violation or which may render the POTW sludges unacceptable for economical disposal and use. Such substances include but are not limited to:

|                  |           |
|------------------|-----------|
| Antimony         | Phenols   |
| Beryllium        | Thenium   |
| Bismuth          | Selenium  |
| Cobalt           | Strontium |
| Herbicides       | Tellurium |
| Molybdenum       | Tin       |
| Organic solvents | Uranylion |
| Pesticides       |           |

- D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appear likely, in the opinion of the Manager of the utility, that such wastes can harm either the sewers, sewage treatment process or equipment, contaminate the sludges of the POTW, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance; in forming his opinion as to the acceptability of these water; the Manager will give consideration to such factors as materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors:

1. Any waters or wastes exhibiting any of the following characteristics:

- a. Any waters or wastes having a pH lower than 5.0 S.U. or greater than 11.0 S.U. or having any other corrosive property capable of causing damage or hazard to the structures, equipment, and personnel of the sewage works (POTW).
    - b. Any waters or waste discharged at a flow rate and/or pH that will cause the influent pH at the POTW treatment plant to be lower than 6.0 S.U. or greater than 9.0 S.U.
  2. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
  3. Materials which assert or cause:
    - a. Unusual concentration 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) not removed in the treatment process.
- E. If any waters or wastes are discharged, or which are to be discharged into the public sewers, contain or possess any of the characteristics enumerated in Section 10.04.03 (D) or 10.04.07(B) of this article and which, in the judgment of the Manager, may have a deleterious effect upon the sewage works, processes, equipment, sludges, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager 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.

If the Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager and subject to the requirements of all applicable codes, ordinances and laws. Where pretreatment or flow equalizing facilities are provided for any waters or waste, they shall be continuously maintained in satisfactory and effective operation by the owner or occupant at his own expense.



- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other objectionable waste, 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 utility and shall be located as to be readily and easily accessible for cleaning and inspection. All grease, oil and sand traps and/or interceptors shall be continuously maintained in satisfactory and effective operation by the owner or occupant at the owner's expense. Storage, handling, transportation, and disposal of all wastes generated from grease, oil and sand traps and/or interceptors shall be performed in accordance with all applicable federal, state, and local regulations that pertain to that type and/or class of waste.

G.

1. When required by the Manager, the owner of any property serviced by a building sewer carrying industrial waste shall provide a secure sampling point or control manhole which is constructed in accordance with the latest revision of the Little Rock Wastewater Utility's *Specification Requirements for Sanitary Sewers*. The secure sampling point or control manhole shall be safely located and accessible to duly authorized employees and/or representatives of the utility at all times. When deemed necessary by the Manager, the secure sampling point or control manhole shall be provided with meters or other appurtenances to facilitate the monitoring of the wastewater. The cost of installation and maintenance of a secure sampling point or control manhole shall be borne by the owner. Any construction and/or alteration of a secure sampling point or control manhole shall be approved by the Manager before any construction has begun.

Any secure sampling point or control manhole located in a parking lot or other area where any vehicles may reasonably be expected to be parked must be protected by a permanent barrier, railing, or other means if it is determined necessary by the Manager to ensure continued and uninterrupted access to the secure sampling point or control manhole by the utility personnel.

2. The Manager may at any time collect a 24 hour composite sample from any industrial or commercial discharges and conduct analyses to determine the concentrations of BOD, TSS and Oil and Grease (O&G). If the sampling and analysis performed by the Manager or his designated assistant indicates concentrations of BOD, TSS and O&G exceeding the limits stated below, he shall compute a surcharge as set by the sewer user charge rate ordinance, and the owner shall be liable for payment of the

amount thereof. The collection of a surcharge is not a penalty, but rather allows the utility to defray the costs of treating industrial wastewater concentrations that are above average domestic wastewater concentrations. The surcharge shall be considered a sewer charge for which the owner shall be liable in accordance with the provisions of A.C.A. 14-235-223 (Repl. 1980), as amended and upon default in such payment the utility shall be entitled to those remedies set forth in said statute.

- a. BOD in excess of 300 mg/L.
- b. TSS in excess of 300 mg/L.
- c. O&G in excess of 100 mg/L.

The surcharge shall be computed by using the following formula:

$$\text{SURCHARGE} = \begin{aligned} &[(\text{BODX}-300 \text{ mg/L}) \times 8.34 \times V \times A] \\ &+[(\text{TSSX}-300 \text{ mg/L}) \times 8.34 \times V \times B] \\ &+[(\text{O\&GX}-300 \text{ mg/L}) \times 8.34 \times V \times C] \end{aligned}$$

Where:

- BODX = concentration of BOD in mg/L
- TSSX = concentration of TSS in mg/L
- O&GX = concentration of O&G in mg/L
- 8.34 = weight in pounds of one gallon water
- V = flow in million gallons per month
- A = unit charge for BOD
- B = unit charge for TSS
- C = unit charge for O&G

- 3. If as a result of the sampling and analysis authorized by 10.04.07(B), or due to the existence of any other information, the Manger may have sufficient reason to suspect the presence of toxic or prohibited substances as limited or prohibitive by this ordinance to exist in the wastewater discharge of a facility, he may direct the owner or operator to have a representative sample of that facility's wastewater subjected to the appropriate physical, chemical and biological tests performed by a qualified testing laboratory acceptable to the Manger. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A prompt report shall be made in writing to the Manger by the laboratory stating the results of the tests. The costs associated with the sampling and testing required by this section shall be borne by the owner or operator.



4. Any sampling, testing, and/or sample delivery associated with duplicate sample analysis in excess of the regularly scheduled sampling and analysis performed by the utility that is requested by an industrial customer for the purpose of assessing a surcharge or enforcement of this ordinance will be borne by the owner or operator of the facility. The owner or operator of the facility which has a duplicate analysis performed by an independent lab will submit a prompt report in writing from the laboratory giving the results of the analysis and all quality assurance information relative to the analysis.
- H. All sampling, measurements, tests and analysis of the characteristics of waters and waste to which reference is made in this ordinance shall be determined in accordance with the latest revision of 40CFR136 (*Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act*) except where otherwise provided for or where there are no guidelines listed in 40CFR136, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association. Alternate testing procedures other than those listed in 40CFR136 may be used provided that the utility has submitted and received approval for the alternate testing from the EPA as outlined in 40CFR136. All samples shall be collected at the control manhole or secure sampling point. In the event that no special manhole or secure sampling point 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, health, and property.
- All independent laboratories performing analyses for industrial dischargers, including but not limited to self monitoring reports, Periodic Reports on Continuing Compliance, Baseline Monitoring Reports and/or split sample verification, shall be certified by the Arkansas Department of Pollution Control and Ecology Laboratory Certification Program and/or any other approved State Certification Program of the specific analysis being performed. The utility reserves the right to reject any analysis performed by an independent laboratory that is not duly certified for a particular analysis.
- I. Any discharger which experiences an upset in operations (which places the discharger in a temporary state of non-compliance with this ordinance) shall inform the Manager of the utility thereof within twenty-four (24) hours of any agent or employee of the discharger becoming aware of the upset or the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Manager of the utility within five (5) days. The report shall specify:



- a. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.
- b. Duration and extent of non-compliance, including exact dates, quantities and qualities, and date and time of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other condition or non-compliance.

A documented and verified bona fide operation upset shall be an affirmative defense to any enforcement action brought by the utility against a discharger for any non-compliance with this ordinance which arises out of violations alleged to have occurred during the period of the upset.

- J. Each discharger shall provide protection from accidental or willful discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental or willful discharge of prohibited materials shall be provided and maintained at the owner of owner's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection for new facilities shall be submitted to the Manager for review, and shall be approved by the Manager before construction of the facility. All existing dischargers shall complete such a plan within eighteen (18) months of the effective date of this ordinance. No discharger who begins discharging after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental or willful discharge procedures have been approved by the Manager. Review and approval of such plans and operating procedures shall not relieve the discharger from the responsibility to modify the discharger's facility as necessary to meet the requirements of this ordinance. In the case of an accidental or willful discharge, it is the responsibility of the discharger to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice Within five (5) days following an accidental or willful discharge of prohibited materials or other substances regulated by this ordinance, the discharger shall submit to the Manager a detailed written report describing the cause of the discharge and the measures to be taken by the discharger to prevent future occurrences.

Notice to employees A notice shall be permanently posted on the discharger's bulletin board or other prominent place advising employees whom to call in the event of an accidental or willful discharge of prohibited materials or other substances regulated by this ordinance. Employers shall ensure that all employees



who may cause or allow such an accidental or willful discharge of prohibited materials or other substances regulated by this ordinance to occur are advised of the emergency notification procedure.

- K. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this ordinance. (Ord. No. 89-5, Art. VI.)

#### 10.04.07 Protection from damage

- A. 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.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.
- C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Manager of the utility.
- D. Violation of any provision of this Article is a Class C misdemeanor. (Ord. No. 89-5, Art. VII.)

#### 10.04.08 Power and authority of Inspectors

- A. The Manager and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Manager or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in part (A) above, the Manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the utility shall indemnify the company against loss or damage to its property by utility employees growing out of the gauging and sampling operations required by 10.04.06 except as such may be caused by negligence or failure of the company to maintain safe conditions.

- C. The Manager and other duly authorized employees of the utility bearing proper credentials and identification shall be permitted to enter all private properties through which the city or the utility holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. Any entry in and subsequent work on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- D. In addition to the provisions of this ordinance, the utility is specifically authorized to set rates, and make such other reasonable rules and regulations in regard to the construction, use, and operation of sanitary sewers to be connected to, or connecting into, the mains of the utility's system. Such rules and regulations so made and adopted at a regular meeting of the utility shall become effective as follows:
1. A public notice of intent to enact and intention of proposed rules and regulations shall be placed in a daily newspaper with a general circulation in the city of Shannon Hills, Arkansas, one (1) day for each of two (2) successive weeks with a brief summary of the proposed rules and regulations.
  2. The proposed rules and regulations shall be available for inspections and reproduction at the office of the Manager of the utility for thirty (30) days following the first publication of the public notice.
  3. A correct copy of those rules and regulations shall be filed for permanent record with the City Recorder of the city of Shannon Hills, Arkansas, together with any written objections to the proposed rules and regulations at the end of the thirty (30) days public review period.
  4. Said rules and regulations shall become effective on the filing of said copy for permanent record with the City Recorder.
- E. Information and data furnished to the utility shall be available to the public or other governmental agencies without restriction unless the discharger is able to demonstrate to the satisfaction of the utility that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or propriety information of the discharger, and the discharger specifically requests that dissemination of that information and data be restricted. The discharger must request, at the time that such information or data is submitted, either in writing or by stamping the words "Confidential Business Information" on the applicable pages or portions of information, that such information is to be considered confidential. When requested by a discharger



furnishing information, the portions of that information which may disclose trade secrets or secret processes shall not be made available for inspection by the public (except as covered under the Arkansas Freedom of Information Act, Section 12-2804) but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Program, provided, however, that such portions of information shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the information. Information specifically designated and accepted by the utility as being confidential shall not be transmitted to any governmental agency until and unless a ten (10) day written notification is given to the discharger of the utility's intent to transmit that information and of the governmental agency to which the information will be transmitted. Wastewater constituents, characteristics and concentrations will not be recognized as confidential information.

- F. All dischargers to the utility, which are outside the jurisdiction and are not part of another incorporated city, shall be required to agree by written contract to abide by the conditions set forth in this ordinance, subsequent revisions and amendments to this ordinance, and any rules and/or regulations promulgated by the utility or the city of Shannon Hills in accordance with 10.04.08 of this ordinance, subject to the permission and consent of the city of Little Rock Board of Directors and the Little Rock Sanitary Sewer Committee. The city of Shannon Hills, and the utility shall adopt any and all rules and/or regulations promulgated by the Sewer Committee of the city of Little Rock in accordance with this ordinance, and they shall at all times enforce the provisions of all laws, rules and/or regulations adopted in accordance with this ordinance, as well as all of the provisions contained in this ordinance.
- G. The provisions of the General Pretreatment Regulations (40CFR403) and the National Categorical Pretreatment Standards as adopted into Section 4 of Regulation Number 6: Regulations for State Administration of the National Pollutant Discharge Elimination System for a particular industrial subcategory, if more stringent than the requirements of this ordinance, shall supersede the requirements of this ordinance, and be imposed where applicable. This includes but is not limited to discharge limitations and reporting Compliance Reports, Periodic Reports on Continuing Compliance, Notices of Slug Loads, and Compliance Schedule Status Reports. This shall include those regulations that are currently promulgated or will be promulgated in the future including any amendments. These regulations shall be recognized as part of this ordinance. (Ord. No. 89-5, Art. VIII.)

#### 10.04.09 Industrial Wastewater Discharge permits

- A. All significant industrial dischargers are required to have a valid Class I or Class II Industrial Wastewater Discharge permit. A Class I Industrial Wastewater Discharge permit will be issued to any industrial discharger subject to a categorical pretreatment standard and a Class II Industrial Wastewater Discharge permit will be issued to all other significant industrial dischargers. A Class III Industrial Wastewater Discharge permit may be issued to any no-significant industrial or commercial discharger when it is deemed necessary by the Manager.
- B. All person required by the Manager shall submit an Industrial Wastewater Discharge permit application to the utility, the form for which shall be provided by the utility. The information required in the permit application shall, where requested or appropriate, include, but is not limited to:
  - 1. Name, address, and location of the industrial discharger.
  - 2. Standard Industrial Classification number.
  - 3. The nature and concentrations of any pollutants or materials prohibited or regulated by the ordinance, including the EPA's priority pollutant listing for each pollutant or material.
  - 4. The time of day and duration of each discharge.
  - 5. The average daily and maximum daily flow rates including any daily, monthly, or seasonal variations.
  - 6. Site plans and details showing all plumbing including storm and sanitary sewers, sewer connections, manholes, sampling chambers, and the location and description of any pretreatment equipment.
  - 7. A description of facilities, activities, and plant processes including all materials which are or may be discharged to the public sewer.
  - 8. A list of raw materials used at the facility including MSDS (Material Safety Data Sheets) for all chemicals that are used or stored at the facility.
  - 9. Compliance schedules, where applicable, which meet applicable requirements of the federal regulations.
- C. All Class I permit applications and schedules of compliance must be signed by a principal executive officer of at least the level of Vice-President, or his duly authorized representative, or by the owner or partner. All Class II and III permit



applications and schedules of compliance must be signed by the highest ranking officer or employee whose office is at the plant site or any other higher ranking officer or employee of the company or a duly authorized representative.

- D. The utility will evaluate the completed permit application, compliance schedules, and the date furnished by the discharger within a reasonable time and may require additional information. Within thirty (30) days after final evaluation, the discharger will be contacted and an inspection of the facility will be scheduled. No Industrial Wastewater Discharge permit will be issued if a discharger is not in compliance with this ordinance unless a schedule of compliance has been accepted and an on-site inspection has been made.
- E. Industrial Wastewater Discharge permits are issued to a specific discharger for specific operations and are not assignable or transferable to another discharger, location, or operation. Industrial Wastewater Discharge permits shall be valid for a period of two (2) years from the date of issue.
- F. Industrial Wastewater Discharge permits shall be expressly subject to all provision of this ordinance and all other applicable federal and/or state regulations, discharger charges and fees established by the utility. Permits may contain, but are not necessarily required to contain, the following:
  - 1. Limits on the average and maximum wastewater constituents and characteristics.
  - 2. Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - 3. Requirements for the installation and maintenance of inspection and sampling facilities.
  - 4. Specifications for self-monitoring which may include sampling location(s), frequency of sampling, parameters to be tested, and standards for tests and reporting schedules.
  - 5. Compliance schedules.
  - 6. Requirements for the submission of technical reports and/or discharge reports.
  - 7. Requirements for maintaining and retaining plant records relating to wastewater discharge and/or pretreatment system operation and maintenance as specified by the utility and granting the utility access thereto.

8. Requirements for notification of the utility of any new introduction of wastewater constituents, substantial changes in the volume or character of wastewater constituents being discharged, or any new construction or process modifications involving plumbing changes.
  9. Requirements for notification of the utility of any slug discharges or spills.
  10. Requirements for verifiable spill prevention and control plan.
  11. Other conditions as deemed appropriate by the utility to ensure compliance with this ordinance.
- G. The provisions of the Industrial Wastewater Discharge permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit shall not be affected thereby. (Ord. No. 89-5, Art. IX.)

#### 10.04.10 Penalties

- A. Any person or other entity found to be violating any provision of this ordinance or regulations except 10.04.07 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) for any one (1) specified offense or violation of such law or ordinance, and not less than Twenty Dollars (\$20.00) nor more than One Thousand Dollars (\$1,000.00) for each repetition of such offense or violation. If a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof is Two Hundred Fifty Dollars (\$250.00) per day for each continuing offense or violation.
- B. Any person or other entity who knowingly makes any false statements, representations or certification of any record, report, plan or other document filed or required to be maintained pursuant to this ordinance, regulations or laws referred to herein, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, regulations or laws referred to herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) for anyone (1) specified offense or violation of such bylaw or ordinance, and not less than Twenty Dollars (\$20.00) nor more than One Thousand Dollars (\$1,000.00) for each repetition of such offense or violation. If a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the bylaws or ordinance, shall not exceed Two Hundred and Fifty Dollars (\$250.00) per day for each offense or violation.



- C. Any person or other entity violating any of the provisions of this ordinance shall become liable to the utility for any expense, loss, or damage occasioned the utility be reason of such violation. (Ord. No. 89-5, Art. 10.)

#### 10.04.11 Yard lines

- A. Upon the determination that a yard line is allowing infiltration into the wastewater system, the property owner shall be notified in writing that they have thirty (30) days to repair/replace said line.
- B. The determination whether the yard line may be repaired, or needs replacement shall be made by the Manager of the Shannon Hills Water Department or his designee.
- C. The materials used to repair/replace said yard lines shall be those specified by the Manager or his designee.
- D. All yard lines repaired/replaced shall be available for inspection by the Manager or his designee during regular business hours of the Water Department. Notification shall be given to the Manager's office on the working day prior to the day the inspection is required.
- E. Property owners residing on their own property shall be assessed a surcharge of Twenty Dollars (\$20.00) per month for each and every month they fail to repair/replace their yard line. All other s shall be issued a citation to appear in court and if found guilty shall pay a minimum fine of Fifty Dollars (\$50.00) for each and every day that their property is in violation of this ordinance. (Ord. No. 96-2, Secs. 1-5.)

## **CHAPTER 10.08**

### **ASSETS TRANSFERRED TO CITY**

#### Sections:

- |          |                     |
|----------|---------------------|
| 10.08.01 | List of assets      |
| 10.08.02 | Transferred to city |
| 10.08.03 | Utilization         |

10.08.01 List of assets The Water Department has currently under its control and operation numerous assets. These assets include, but are not necessarily limited to, monies, equipment, vehicles, buildings, and tools. (Ord. No. 2002-8, Sec. 1.)

10.08.02 Transferred to city Those assets identified in 10.08.01 of this ordinance now and hereafter become the assets of the city of Shannon Hills. (Ord. No. 2002-8, Sec. 2.)

10.08.03 Utilization The assets, now the property of the city of Shannon Hills, can be utilized in a manner that the city deems appropriate and within the boundaries of both the Arkansas law and the laws of this city. (Ord. No. 2002-8, Sec. 3.)

## **CHAPTER 10.12**

### **WATER PURCHASE AND RATES**

#### **Sections:**

|          |                                |
|----------|--------------------------------|
| 10.12.01 | Contract                       |
| 10.12.02 | Terms                          |
| 10.12.03 | Covenants and conditions       |
| 10.12.04 | Water rates                    |
| 10.12.05 | Water connects and disconnects |
| 10.12.06 | Franchise tax                  |

10.12.01 Contract The city of Shannon Hills hereby approves a contract between the city of Shannon Hills and the Little Rock Municipal Water Works for the purchase of Little Rock water by Shannon Hills, under the terms and conditions set forth in the agreement attached as Exhibit A to this ordinance. (Ord. No. 94-3, Sec. 1.)

10.12.02 Terms The contract shall specifically include the following terms, covenants and conditions:

- A. The initial term of this agreement shall be one (1) year and shall commence on the date of the Engineer's Certificate.
- B. If Shannon Hills completes a connection with Little Rock sewer within one year of the date of execution of this agreement, to the satisfaction of the city of Little Rock, and Shannon Hills has taken all other steps necessary to comply with local, state and federal environmental requirements, this agreement shall extend for a term of twenty (20) years from the date of the Engineer's Certificate. In such case this agreement shall be renewable automatically for successive twenty (20) year periods unless terminated by either party. Notice of termination shall be given in writing one (1) year prior to the end of the term of any renewal term; provided, however, that if the current sources of water for the Water Works prove



inadequate for any reason whatsoever, then, in such event, this agreement may be terminated by the Water Works giving Shannon Hills two (2) years' notice of intent to terminate. (Ord. No. 94-3, Sec. 2.)

#### 10.12.03 Covenants and conditions

- A. Shannon Hills covenants and agrees that it will not sell, supply or deliver water, either directly or indirectly to any person or customer outside the city limits of Shannon Hills without prior written approval of the Water Works and the Little Rock Board of Directors.
- B. Shannon Hills covenants and agrees that it will not, without prior written approval of the Water Works, sell water to any person, or connect to Shannon Hills' Water System any customer whose average daily consumption exceeds five percent (5%) of the volume of water required, at the time of such sale or connection, to supply all or Shannon Hills' customers at the time of peak consumption of the Shannon Hills Water System.
- C. Shannon Hills further agrees that it will not resell the water purchased pursuant to this agreement to any improvement district located outside the city limits of Shannon Hills, or any other water association or municipality without prior written approval of the Water Works and the Little Rock Board of Directors.
- D. Shannon Hills further agrees to restrict its area growth by annexation to twenty percent (20%) of its extra-territorial planning area for the first five (5) years of this agreement; up to fifty percent (50%) for the second five (5) years; and one hundred percent (100%) after ten (10) years.
- E. Shannon Hills covenants and agrees to comply and to remain in compliance with all applicable laws, rules and regulations of the U.S. Environmental Protection Agency, the Arkansas Department of Pollution Control and Ecology, and the city of Little Rock regarding the discharge and disposal of wastewater. (Ord. No. 94-3, Sec. 2.)

#### 10.12.04 Water rates

- A. To ease the burden on the elderly, many of whom are on fixed incomes, the City Council of Shannon Hills, Arkansas elects not to raise the minimum charge of \$12.90 for the first 1,500 gallons.
- B. Effective February 1, 2006, the cost of residential water shall be raised from \$3.00 to \$3.50 per thousand gallons in excess of the (minimum) first 1,500 gallons. (Ord. No. 2007-4, Secs. 2-3.)

- C. Water rates shall increase by nine percent (9%) effective February 1, 2008. (Ord. No. 2008-2, Sec. 1.)

10.12.05 Water connects and disconnects

- A. Beginning on and after February 15, 2007, the city of Shannon Hills will stop the practice of charging security deposits for water service in our city. In lieu of a water deposit, all new customers on and after said date will pay a non-refundable connection fee of Seventy-Five Dollars (\$75.00).
- B. The Shannon Hills Water Department will refund escrowed deposits to present customers with no disconnects for non-payment (or returned checks) on their record within the last five (5) years and that has had an active account for more than five (5) years. This refund will vary from Fifteen Dollars (\$15.00) to One Hundred Dollars (\$100.00) and will be paid as a credit against their water bill of March 31, 2007, and/or April 30, 2007.
- C. Beginning on and after February 15, 2007, the following disconnect/reconnect deposit charges still apply:
1. Water and sewer bills are due on or before the tenth (10<sup>th</sup>) day of each and every month. A ten percent (10%) late charge will apply to all bills (and balances) paid after the tenth (10<sup>th</sup>) of the month, unless the tenth (10<sup>th</sup>) day of the month falls on Saturday, Sunday or holiday. In this case, the bill shall be considered late if not paid by close of business on the first business day following Saturday, Sunday or holiday.
  2. Accounts not paid in full by the twentieth (20<sup>th</sup>) day of the month are subject to disconnect until the bill is paid in full or satisfactory arrangements have been made. The twentieth (20<sup>th</sup>) day of the month shall be determined the same way as the tenth (10<sup>th</sup>) day of the month with regards to Saturday, Sunday and holidays.
- D. The first and second reconnect (after disconnects for non-payment) shall be Twenty-Five Dollars (\$25.00) each. However, if a water/sewer account is disconnected for non-payment more than twice within a period of twelve (12) months, a reconnect charge of Fifty Dollars (\$50.00) shall be required with each reconnect in excess of two, within the said twelve (12) month period. Reconnection of water/sewer service on Saturday, Sunday, holidays and after hours will be Thirty-Five Dollars (\$35.00). A return check charge will be Twenty-Five Dollars (\$25.00) and payable within twenty-four hours (with the amount of the check) or water/sewer service will be disconnected. Returned checks (and related charges) will be paid by cash, money order or cashier's check only. The city reserves the right to refuse personal checks on anyone that has had



three or more returned checks. A disconnect for a returned check is the same as a disconnect for non-payment.

- E. For the purpose of counting more than two (2) disconnects within a twelve (12) month period, a twelve (12) month period is measured from the date of the first disconnect and 365 continuous days thereafter. A disconnect after the 365<sup>th</sup> day shall be counted as a first disconnect and a new counting cycle begins on the day of that disconnect to establish a new twelve (12) month period. (Ord. No. 2007-7, Secs. 1-7.)

12.) 10.12.06 Franchise tax A water franchise tax of 5.2% will be collected. (Ord. No. 2001-

## **CHAPTER 10.16**

### **SEWER PURCHASE AND RATES**

#### **Sections:**

- |          |             |
|----------|-------------|
| 10.16.01 | Contract    |
| 10.16.02 | Sewer rates |

10.16.01 Contract The contract between Little Rock and Shannon Hills to extend sewer service by Little Rock to and for the treatment of sewage from Shannon Hills provided, however, that Shannon Hills shall remain totally responsible for the maintenance of its existing sewer system and any additions thereto, the use of which shall at all times be subject to the charges, collections and all provisions contained in the applicable Little Rock sewer ordinances in effect, and as amended or changed in the future during the term of this contract, or any extensions thereof by Little Rock is hereby approved. A copy of the contract is attached hereto. The Mayor and the City Recorder/Treasurer are hereby authorized to execute the contract. (Ord. No. 95-6, Sec. 1.)

#### **10.16.02 Sewer rates**

- A. To ease the burden on the elderly, many of whom are on fixed incomes, the City Council of Shannon Hills, Arkansas elects not to raise the minimum charge of \$18.70 for the first 1,500 gallons.
- B. Effective February 1, 2007, the cost of residential waste shall be raised from \$2.10 to \$3.00 per thousand gallons in excess of the (minimum) first 1,500 gallons. (Ord. No. 2007-5, Secs. 3-4.)

## **CHAPTER 10.20**

### **CROSS-CONNECTION CONTROL PROGRAM**

#### **Sections:**

10.20.01      Adopted by reference

10.20.01 Adopted by reference The city of Shannon Hills Cross-Connection Control Program is hereby adopted by reference. (Ord. No. 97-4, Sec. 1.)



## **TITLE 11**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 11.04 Areas of Flood Hazard
- 11.08 Building Permit
- 11.12 Plumbing Code
- 11.16 Electrical Code
- 11.20 Mechanical Code
- 11.24 Housing Code
- 11.28 Numbering of Structures
- 11.32 Condemned Structures
- 11.36 Storm Water Program
- 11.40 Energy Code

#### **CHAPTER 11.04**

### **AREAS OF FLOOD HAZARD**

#### **Sections:**

- 11.04.01 Statutory authorization
- 11.04.02 Findings of fact
- 11.04.03 Statement of purpose
- 11.04.04 Methods of reducing flood losses
- 11.04.05 Definitions
- 11.04.06 Lands to which this ordinance applies
- 11.04.07 Basis for establishing the areas of special flood hazard
- 11.04.08 Penalties for non-compliance
- 11.04.09 Abrogation and greater restrictions
- 11.04.10 Interpretation
- 11.04.11 Warning and disclaimer of liability
- 11.04.12 Establishment of development permit
- 11.04.13 Designation of the local administrator
- 11.04.14 Duties and responsibilities of the local administrator
- 11.04.15 Variance procedure
- 11.04.16 General standards
- 11.04.17 Specific standards
- 11.04.18 Floodways

11.04.01 Statutory authorization The legislature of the state of Arkansas has in A.C.A. 14-54-101, *et seq*, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Shannon Hills, Arkansas, does ordain as follows:

11.04.02 Finding of fact

- A. The flood hazard areas of Shannon Hills, Arkansas, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. No. 81-19, Sec. 1.2)

11.04.03 Statement of purpose It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and,



- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. No. 81-19, Sec. 1.3)

11.04.04 Methods of reducing flood losses In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filing, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. No. 81-19, Sec. 1.4)

11.04.05 Definitions Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Appeal** means a request for a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding** means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

**Area of special flood hazard** means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

**Base flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**Existing mobile home park or mobile home subdivision** means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

**Expansion to an existing mobile home park or mobile home subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study** means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Habitable floor** means any floor usable for living purposes, which includes working sleeping, eating cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

**Mobile home** means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

**New construction** means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**New mobile home park or mobile home subdivision** means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the



construction of facilities for servicing the lot (including, at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

**Start of construction** means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filing, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**Structure** means a walled and roofed building, a mobile home, or a gas or liquid storage tank that is principally above ground.

**Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**Variance** means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. (Ord. No. 81-19, Sec. 2)

11.04.06 Lands to which this ordinance applies This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Shannon Hills, Arkansas. (Ord. No. 81-19, Sec. 3.1)

11.04.07 Basis for establishing the areas of special flood hazard The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Shannon Hills, Arkansas," dated Nov. 17, 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Hall, Shannon Hills, Arkansas. (Ord. No. 81-19, Sec. 3.2)

11.04.08 Penalties for non-compliance No structures or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars or imprisoned for not more than ten (10) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Shannon Hills, Arkansas, from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 81-19, Sec. 3.3)

11.04.09 Abrogation and greater restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 81-19, Sec. 3.4)

11.04.10 Interpretation In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
  - B. Liberally construed in favor of the governing body; and,
  - C. Deemed neither to limit nor repeal any other powers granted under state statutes.
- (Ord. No. 81-19, Sec. 3.5)

11.04.11 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and



engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city of Shannon Hills, Arkansas, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. No. 81-19, Sec. 3.6)

11.04.12 Establishment of development permit A development permit shall be obtained before construction or development begins within any area of special flood hazard established in 11.04.07. Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.2-2; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. 81-19, Sec. 4.1)

11.04.13 Designation of the local administrator The local administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. (Ord. No. 81-19, Sec. 4.2)

11.04.14 Duties and responsibilities of the local administrator Duties of the local administrator shall include, but not be limited to:

- A. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

- C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

Use of other base flood data When base flood elevation data has not been provided in accordance with 11.04.07, the local administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 5.2-1, and 5.2-2.

Information to be obtained and maintained

- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new substantially improved floodproofed structures:
  - 1. Verify and record the actual elevation (in relation to mean sea level); and
  - 2. Maintain the floodproofing certifications required in 11.04.12(C)
  - 3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

Alteration of watercourses

- A. Notify adjacent communities and the Arkansas Soil and Water Conservation Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Interpretation of FIRM boundaries Make interpretation where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 11.04.15. (Ord. No. 81-19, Sec. 4.1)

11.04.15 Variance procedure

- A. Appeal Board



1. The Appeal Board as established by Shannon Hills, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Appeal Board, or any taxpayer, may appeal such decision to the Saline County Circuit Court.
4. In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 5. Upon consideration of the factors of 11.04.15(4) and the purposes of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 6. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a – k) in 11.04.15(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in 11.04.15(4) or conflict with existing local laws or ordinances.



6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. No. 81-19, Sec. 4.4)

11.04.16 General standards In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
  - a. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.
  - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
  - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - d. Any additions to the mobile home be similarly anchored.

B. Construction materials and methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

11.04.17 Specific standards In all areas of special flood hazards where base flood elevation data have been provided as set forth in 11.04.07, or in 11.04.14, the following standards are required:

- A. Residential construction New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- B. No-residential construction New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in 11.04.14.



C. Mobile homes

1. Mobile homes shall be anchored in accordance with 11.04.16(B).
2. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
  - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
  - b. Adequate surface drainage and access for a hauler are provided; and
  - c. In the instance of elevation on pilings, that:
    - lots are large enough to permit steps,
    - piling foundations are placed in stable soil no more than ten feet apart, and
    - reinforcement is provided for pilings more than six feet above the ground level.
3. No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.  
(Ord. No. 81-19, Sec. 5.2)

11.04.18 Floodways Located within areas of special flood hazard established in 11.04.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 11.04.18.

- C. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision. (Ord. No. 81-19, Sec. 5.3)

## **CHAPTER 11.08**

### **BUILDING PERMIT**

#### **Sections:**

- 11.08.01 Cost
- 11.08.02 Inspections
- 11.08.03 New construction

**11.08.01 Cost** The cost of a building permit shall be Twenty Cents (\$.20) per square foot based on the square footage of the foundation of the structure. In a home or other building having an attachment for vehicles, storage or other purpose, a building permit shall be bought for the square footage of the entire structure, heated and unheated. (Ord. No. 2003-9, Sec. 1.)

**11.08.02 Inspections** Certain inspections are required in the building of safe structures and the cost of these inspections shall be borne by the owner of the property. (Ord. No. 2003-9, Sec. 2.)

#### **11.08.03 New construction**

- A. All new residence and business structures constructed within the corporate limits of Shannon Hills must be provided water and sewer service as well as all other required utilities. Written assurance of availability of utility service must be provided to Shannon Hills City Hall Clerk before a construction permit will be issued. A letter from each utility stating their intent to provide service is sufficient for this purpose. No septic tanks and wells are acceptable to meet this condition.
- B. After the effective date of this act, any person, association, organization or corporation who shall fail to construct new residences and businesses within the corporate limits of Shannon Hills, Arkansas, conforming to standards established in the bills of assurance for that specific location or shall fail to obtain a building permit and right-of-entry for utilities before construction is commenced, or shall fail to provide written assurance of availability of utility service as provided herein, shall be guilty of a violation of this ordinance, and may be punished by a fine of up to Five Hundred Dollars (\$500.00) and One Hundred Dollars (\$100.00) per day from the date of notification of the existence of the violation. Notification shall be by the Mayor of Shannon Hills, Arkansas.



- C. Entry by a utility company into Shannon Hills corporate limits without specific approval of the City Council is prohibited. Unauthorized entry is hereby punishable by a fine of up to Five Hundred Dollars (\$500.00) and Two Hundred Fifty Dollars (\$250.00) per day from the date of notification of the existence of the violation. Notification unto the offending utility will be done by the Mayor of Shannon Hills, Arkansas, who will then follow up notification to insure that eh violation is corrected. (Ord. No. 81-21, Secs. 1-3.)

## **CHAPTER 11.12**

### **PLUMBING CODE**

#### **Sections:**

|          |                      |
|----------|----------------------|
| 11.12.01 | Adopted by reference |
| 11.12.02 | Plumbing Inspector   |
| 11.12.03 | Compliance           |
| 11.12.04 | Inspections          |
| 11.12.05 | Permit               |
| 11.12.06 | Fine                 |

**11.12.01 Adopted by reference** The Arkansas State Plumbing Code is hereby adopted by reference, and all plumbing work of any kind, done within the city of Shannon Hills, Arkansas, shall conform to this code. (Ord. No. 84-3, Sec. 1.)

**11.12.02 Plumbing Inspector** A Plumbing Inspector shall be appointed by the Mayor and said Inspector shall have the authority to inspect plumbing, as require, and to approve of, or disapprove of same. (Ord. No. 84-3, Sec. 2.)

**11.12.03 Compliance** If the Plumbing Inspector disapproves of the installation of a plumbing installation, he shall see that the owner or installer of the plumbing is notified, in writing, of the action they must take to bring the installation into compliance. Plumbing will not be covered or hidden in any manner until it has been inspected and approved by the Plumbing Inspector. (Ord. No. 84-3, Sec. 3.)

**11.12.04 Inspections** Inspections will be required for under slab, rough and finish plumbing installations and other inspections may be required if circumstances show a need. (Ord. No. 84-3, Sec. 4.)

11.12.05 Permit Prior to starting any plumbing installation within the city of Shannon Hills, Arkansas, a permit shall be acquired through City Hall, however, minor maintenance and the replacement of fixtures shall not require a permit, after the original plumbing installation has been inspected and approved. Fees for said permit shall be those set down as the city of Shannon Hills, Arkansas, Plumbing Inspection Fees and are hereby adopted by reference. (Ord. No. 84-3, Sec. 5.)

11.12.06 Fine A private person, firm, association, organization or corporation found to be in violation of this ordinance by a court of law, shall be guilty of a misdemeanor and shall pay a fine of not more than One Hundred Dollars (\$100.00) for each offense and each day that such violation shall continue shall be considered a separate offense. (Ord. No. 84-3, Sec. 6.)

## **CHAPTER 11.16**

### **ELECTRICAL CODE**

#### **Sections:**

- |          |                      |
|----------|----------------------|
| 11.16.01 | Adopted by reference |
| 11.16.02 | Electrical Inspector |
| 11.16.03 | Compliance           |

11.16.01 Adopted by reference The National Electrical Code of 1981 is hereby adopted by reference, and all electrical work of any kind, done within the city of Shannon Hills, Arkansas, shall conform to this code. (Ord. No. 84-2, Sec. 1.)

11.16.02 Electrical Inspector An Electrical Inspector shall be appointed by the Mayor and said Inspector shall have the authority to inspect writing, as require, and to approve of, or disapprove of same. (Ord. No. 84-2, Sec. 2.)

11.16.03 Compliance If the Electrical Inspector disapproves of the installation of electrical wiring, he shall see that the owner or installer of the wiring is notified, in writing, of the action they must take to bring the job into compliance. Wiring will be left open for inspection and insulation will not be installed nor will any material, sheet rock paneling or other matter be installed that would impair the inspection of said wiring until such wiring has been inspected and approved by the Electrical Inspector. (Ord. No. 84-2, Sec. 3.)

11.16.04 Inspections Inspections will be required for temporary meters, rough wiring and finished wiring. These are the minimum required inspections and other inspections may be required if circumstances show a need. (Ord. No. 84-2, Sec. 4.)



11.16.05 Permit Prior to starting any wiring within the city limits of Shannon Hills, Arkansas, a permit shall be acquired through City Hall. Fees for said permit shall be those set down as the city of Shannon Hills, Arkansas, Electrical Inspection Fees and are hereby adopted by reference. (Ord. No. 84-2, Sec. 5.)

11.16.06 Fine A private person, firm, association, organization or corporation found to be in violation of this ordinance by a court of law, shall be guilty of a misdemeanor and shall pay a fine of not more than One Hundred Dollars (\$100.00) for each offense and each day that such violation shall continue shall be considered a separate offense. (Ord. No. 84-2, Sec. 6.)

## CHAPTER 11.20

### MECHANICAL CODE

#### Sections:

|          |                      |
|----------|----------------------|
| 11.20.01 | Adopted              |
| 11.20.02 | Building inspections |
| 11.20.03 | Filing               |
| 11.20.04 | Fine                 |

11.20.01 Adopted There is hereby adopted by the city of Shannon Hills the Arkansas Mechanical Code, or the most recent edition, thereof, save and except such portions as amended in 11.16.02 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health and the public welfare.

For the purpose of this ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the Administrative Authority authorized to enforce the provisions of the Mechanical Code. (Ord. No. 2006-3, Sec. 1.)

11.20.03 Building inspections Building inspections will be done by Inspectors, trained and certified to perform said inspections. The Property Manager and Building Administrator of the city shall be responsible for the hiring, firing and supervision of City Inspectors. Said Inspectors shall be paid Eighteen Dollars (\$18.00) per inspection at the time of inspection. Inspection fees cannot be collected in advance on inspections that have not taken place. Inspection fees cannot be increased without a majority of the City Council authorizing the increase. (Ord. No. 2006-3, Sec. 2.)

11.20.03 Filing Copies shall be in the office of the Clerk and/or Building Official of the city of Shannon Hills, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Shannon Hills, Arkansas, except as regulated by other ordinances of the city of Shannon Hills Municipal Code. (Ord. No. 2006-3, Sec. 3.)

11.20.04 Fine A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to Two Hundred Fifty Dollars (\$250.00). Each day that said violation continues shall be a separate offenses and each day subsequent to the first day of the violation shall be punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 2006-3, Sec. 4.)

## **CHAPTER 11.24**

### **HOUSING CODE**

#### **Sections:**

|          |   |
|----------|---|
| 11.24.01 | Title                                   |
| 11.24.02 | Purpose                                 |
| 11.24.03 | Occupancy                               |
| 11.24.04 | Maintenance                             |
| 11.24.05 | Building Official                       |
| 11.24.06 | Duties                                  |
| 11.24.07 | Requirements                            |
| 11.24.08 | Person liability                        |
| 11.24.09 | Appeal                                  |
| 11.24.10 | Notice                                  |
| 11.24.11 | Compliance with requirements            |
| 11.24.12 | Continuous footing; complete foundation |
| 11.24.13 | Improvements                            |

11.24.01 Title The provisions embraced within the following articles and sections shall constitute and be known and may be cited as Shannon Hills Housing Code, hereafter referred to as "this code." (Ord. No. 84-1, Sec. 1.)



11.24.02 Purpose This code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through stability, sanitation, and safety to life and property from fire and other hazards incident to construction, alteration, repair, removal, demolition, use and occupancy to dwellings, apartment houses, rooming houses or buildings, structures or premises used as such. (Ord. No. 84-1, Sec. 2.)

11.24.03 Occupancy This code establishes minimum standards for occupancy, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this code. Every building used in whole or in part as a dwelling unit or as two or more dwelling units, or as rooming or boarding houses, or as businesses shall conform to the requirements of this code irrespective of the primary use of such building, and irrespective of when such building may have been constructed, altered or repaired. (Ord. No. 84-1, Sec. 3.)

11.24.04 Maintenance All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this code. The tenant shall be responsible for the maintenance of buildings, structures, and premises to the extent set out in this code. (Ord. No. 84-1, Sec. 4.)

11.24.05 Building Official There is hereby established by the city of Shannon Hills, Arkansas, provisions for the enforcement of this code by the Building Official, who shall be appointed by the Mayor of the city. (Ord. No. 84-1, Sec. 5.)

11.24.06 Duties The Building Official shall enforce the provisions of this code, and he or his duly authorized representative, upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except that in cases of emergency where extreme hazards are known to exist, which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply. (Ord. No. 84-1, Sec. 6.)

11.24.07 Requirements Any requirements, not specifically covered by this code, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the Building Official, subject to appeal to the City Council. (Ord. No. 84-1, Sec. 8.)

11.24.08 Personal liability Any officer or employee, charged with the enforcement of this code, in the discharge of this duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of this duties. Any suit



brought against any officer or employee because of this code shall be defended by the City Attorney's office until the final termination of the proceedings. (Ord. No. 84-1, Sec. 9.)

11.24.09 Appeal Where the literal application of the requirements of this code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official to the City Council. (Ord. No. 84-1, Sec. 10.)

11.24.10 Notice Any person receiving written notice from the Building Official of deficiencies in his property under this code may, within thirty (30) days following the date of the notice, enter an appeal, in writing, to the City Council. No appeal filed later than thirty (30) days after the date of such notice, shall be heard. In case of a building or structure which, in the opinion of the Building Official is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals must state:

- A. The property location
  - B. The date of the notice of violation.
  - C. The reason for the appeal.
- (Ord. No. 84-1, Sec. 11.)

11.24.11 Compliance with requirements No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling or building be permitted to continue in violation of this chapter, which was intended for use as a dwelling unit or business, and does not comply with the following requirements:

- A. Sanitary facilities required Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet toilet, all in good working condition and properly connected to an active water supply and sewer system in good working condition. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions. Businesses shall have a minimum of a lavatory and a water closet toilet, in good working condition and properly connected to an active water supply and sewer system, in good working condition, available to their patrons.
- B. Location of sanitary facilities All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub, or shower and lavatory shall be located in a room affording privacy to the user.
- C. Hot and cold water supply Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water



and hot water. All water must be supplied through an approved pipe distribution system connected to an active potable water supply.

- D. Water heating facilities Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, tub or shower.
- E. Heating facilities Every dwelling unit shall have heating facilities which are properly installed and maintained in safe and good working condition, or shall be provided with sufficient fireplaces, chimneys, flues, or gas risers (shut off valves or caps are required on all gas risers) whereby heating appliances may be connected so as to furnish a minimum temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms and bathrooms, measured at a point three (3) feet above the floor during ordinary winter conditions.
- F. Cooking and heating equipment All cooking and heating equipment and facilities shall be installed in accordance with the Building, Gas or Electrical Code and shall be maintained in a safe and good working condition.
- G. Doors, stairs and porches Every dwelling shall have a safe unobstructed means of egress leading to a safe and open space, at ground level. Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- H. Care of premises It shall be illegal for the owner or occupant of a residential or commercial building or property, to utilize the premises for the open storage of any ice box, refrigerator, stove, glass, building material, building rubbish, garbage or material that may turn to a putrid state or emit an odor. With the exception of material that may be used for solid fill, the determining of which shall be left to the discretion of the Building Official. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such items as listed above, including, but not limited to, weeds, dead trees, trash, garbage, and keep the grass to a height of six (6) inches or less. (Ord. No. 84-1, Sec. 12.)

#### 11.24.12 Continuous footing; complete foundation

- A. All permanent structures erected in the city of Shannon Hills, Arkansas shall meet the following requirements:

1. A continuous footing shall be required on all permanent structures that is at least twelve (12) inches below ground level, sixteen (16) inches in width, eight (8) inches thick, and have at least two (2) pieces of one-half ( $\frac{1}{2}$ ) inch rebar tied and bent to the configuration of said footing.
  2. Said continuous footing may be poured in conjunction with the concrete floor of the dwelling, making a monolithic slab, however, the slab may be poured after the footing.
  3. All permanent structures not built on a slab must have a continuous foundation that is constructed of at least 8 x 8 x 16 inch concrete blocks.
  4. All concrete construction must meet the minimum standards of the Southern Building Code. (Ord. No. 89-6, Sec. 1.)
- B. Any person, firm, or corporation failing to comply with this ordinance shall be guilty of a misdemeanor and shall be fined no less than Fifty Dollars (\$50.00) and no more than Five hundred Dollars (\$500.00). Each day of a continuing offense shall be considered a separate offense and shall be dealt with as a separate issue.
- C. This ordinance shall not pertain to utility and/or storage buildings of less than 150 square feet, mobile homes, or buildings build on skids used for storage only. (Ord. No. 89-6, Secs. 1-3.)

#### 11.24.13 Improvements

- A. At any time the need arises for improvements to be done to properties, and the property owner refuses to take the needed actions, the city may take the needed action, or may contract to have said work done, ant he charges thereof assessed to the property.
- B. A charge, when assessed, shall be payable by the owners at the time of the assessment, personally, and shall also be a lien on the respective lots or parcels of land in the possession of any owner from the time of assessment.
- C. Should it be necessary to collect the charges through a lien, the costs thereof, plus a five percent (5%) penalty for collection, shall be certified by the Mayor to the Clerk of the county, and placed by him on the tax book as delinquent taxes, and collected accordingly. (Ord. No. 91-6, Secs. 1-3.)



## CHAPTER 11.28

### NUMBERING OF STRUCTURES

#### Sections:

|          |                   |
|----------|-------------------|
| 11.28.01 | Height of numbers |
| 11.28.02 | Changing numbers  |
| 11.28.03 | New dwellings     |
| 11.28.04 | Fine              |

11.28.01 Height of numbers Each and every dwelling within the city of Shannon Hills, Arkansas, shall have displayed on it numerals that are at least three (3) inches in height and visible from the street. Said numerals shall be those composing the street number, assigned by the city to said dwelling. (Ord. No. 87-12, Sec. 1.)

11.28.02 Changing numbers Dwellings that currently have numbers that are visible from the street but do not meet the height requirement shall be considered to meet the spirit of this ordinance, however, in the event said numbers are changed, numbers that do meet the height requirement shall be used. (Ord. No. 87-12, Sec. 2.)

11.28.03 New dwellings Dwellings constructed and/or moved into the city after passage of this ordinance shall have numbers affixed to them, as stated in 11.28.01 prior to occupancy. (Ord. No. 87-12, Sec. 3.)

11.28.05 Fine Failure to comply with this ordinance shall be a misdemeanor and the fine shall be Twenty-Five Dollars (\$25.00), and court costs, if any, for the first offense and Ten Dollars (\$10.00) per day for offenses of a continuing nature. (Ord. No. 87-12, Sec. 4.)

## CHAPTER 11.32

### CONDEMNED STRUCTURES

#### Sections:

|          |                 |
|----------|-----------------|
| 11.32.01 | Violation       |
| 11.32.02 | Nuisance abated |
| 11.32.03 | Definitions     |
| 11.32.04 | Conviction      |
| 11.32.05 | Notice          |

|          |                  |
|----------|------------------|
| 11.32.06 | Charges to owner |
| 11.32.07 | Placard          |
| 11.32.08 | Defacing placard |
| 11.32.09 | Unsafe structure |
| 11.32.10 | Fine             |

**11.32.01 Violation** It shall be a violation of this ordinance for any owner, as defined herein, to permit, allow to remain, fail to take action to demolish and/or remove or correct, or fail to board and secure any dangerous, dilapidated, substandard or unsafe building or structure as directed by the city pursuant to this ordinance. (Ord. No. 2003-5, Sec. 1.)

**11.32.02 Nuisance abated** In every case in which any person is prosecuted and found guilty of a violation of any of the provisions of this chapter or any other ordinance of the city in relation to nuisances, it shall be competent for, and shall be the duty of the District Court, if the circumstances of the case require it, to make an order requiring the removal, abatement, or discontinuance of the nuisance shown in such case, and to order and direct that if within a reasonable and given time therein names, the same shall not be removed, abated or discontinued by the person or persons proceeded against therefore, such nuisance shall be abated or removed by the Mayor or his designee with such assistance as he may deem necessary to call his aid for that purpose, and in such case the person proceeded against shall be responsible for all the costs and expenses incurred in the removal or abatement of such nuisance by the Mayor or his designee. (Ord. No. 2003-5, Sec. 2.)

**11.32.03 Definitions** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Mayor or his designee** means the person responsible for enforcing the provisions of this article.

**Dangerous** means, with reference to a building or structure, that it:

- A. Is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- B. Lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- C. Is a dilapidated building or structure.
- D. Is a substandard building or structure.
- E. Is an unsafe building or structure.



**Dilapidated building or structure** means a building, structure, dwelling, dwelling unit, multiple dwelling, apartment, apartment house including among others, a garage, shed, and similar accessory structure, which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, is unsafe unsanitary, or which constitute a fire hazard, or is otherwise dangerous to human life and are no longer adequate for the purpose for which they were originally intended.

**Owner** means the holder of the title in fee simple and any person in whose name tax bills on property are submitted. **Owner** also means any person who, along or jointly or severally with others:

- A. Has legal title to any building or structure, with or without accompanying actual possession thereof, or
- B. Has charge, care or control of any building or structure, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person in control of a building or structure, or his duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, the same intent as if he were the owner.

**Substandard dwelling or structure** means a dwelling unit, multiple dwelling, apartment, apartment house or any other space used or intended to be used as a habitable living space in any building or structure.

**Unsafe building or structure** means a building or structure that is unsafe. All dwellings, apartment houses, rooming houses or buildings or structures used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. (Ord. No. 2003-5, Sec. 3.)

11.32.04 Conviction Any person convicted of a violation of any of the provisions of this article shall be punished as provided in 11.32.10. (Ord. No. 2003-5, Sec. 4.)

11.32.05 Notice Whenever the Mayor or his designee declared a building or structure to be dangerous or unfit for human habitation shall give notice to the owner of such declaration by placarding the building or structure.

- A. The notice shall:
  - 1. Be in writing.
  - 2. Include a description of the real estate sufficient for identification.

3. Include a statement of the reasons why it is being issued.
4. State time within which the building or structure occupants must be vacated, if appropriate.
5. Require that all necessary permits be secured and work commenced within thirty (30) days and continued to satisfactory completion within such time as the Mayor or his designee determines.
6. State that, if such repairs, reconstruction, alteration, removal or demolition are not completed within the stated time as set forth in the notice, the Mayor or his designee may institute legal proceedings by charging the person with a violation of this code or may cause through demolition or otherwise, and abatement of the nuisance.
7. State that the owner shall board and secure the structure or condition within the time set forth in the notice and that the owner shall maintain such boarding or securing at all times until the structure is brought into full compliance with this code or is razed and removed following approval and permitting as otherwise required or specified by the city. Boarding and securing of the structure or condition does not relieve the owner of the requirement to diligently pursue rehabilitation and repair or demolition and/or removal of the structure or condition. All boards and materials used to secure shall be painted and maintained with a color of paint which blends with the overall structure.

B. Service of the notice shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a responsible adult; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address by certified mail, return receipt requested, with postage prepaid thereon.
3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated or repaired. (Ord. No. 2003-5, Sec. 5.)

11.32.06 Charges to owner

- A. If the owner, agent or person in control of premises subject to a notice served pursuant to this article cannot be found within the stated time limit, or if the owner, agent, or person in control fails, neglects, or refuses to comply with the



notice to repair, rehabilitate, secure, or demolish and remove the building or structure the Mayor or his designee, after having ascertained the cost, may cause such building or structure to be abated demolished or secured as provided for by order of the City Council. The official shall require that the building or structure remain vacant during the pendency of the action or until the nuisance is abated.

- B. Expenses incurred by the city under this section shall be charged to the owner of the premises involved and shall be collected in the manner as provided in 11.32.02. (Ord. No. 2003-5, Sec. 6.)

#### 11.32.07 Placard

- A. Any building or structure that has been ordered to be vacated under this article shall be vacated within thirty (30) days after notice to do so has been given by the Mayor or his designee to the owner or occupant of the building or structure.
- B. No building or structure that has been ordered vacated pursuant to this article and so placarded shall be used for human habitation without approval of the Mayor or his designee and unfit placard is removed by the Mayor or his designee. The Mayor or his designee shall remove such placard whenever the defect or defects upon which placarding action were based have been eliminated. (Ord. No. 2003-5, Sec. 7.)

11.32.08 Defacing placard No person shall deface or remove a placard posted pursuant this article unless authorized to do so. (Ord. No. 2003-5, Sec. 8.)

11.32.09 Unsafe structure Any buildings, walls, or party walls or any portions thereof, chimneys, or other structures in the city that from fire, excavation, improper erection or construction, or from any other cause, which at any time become unsafe or dangerous to life and limb, shall be razed and removed, or made secure by the Mayor or his designee, if within twenty-four (24) hours from the time of serving notice, the owner of record fails to commence rehabilitation of or removal of the same and if within seventy-two (72) hours, the owner of record, shall fail to complete the removal. (Ord. No. 2003-5, Sec. 9.)

11.32.10 Fine Any person pleading guilty to a violation(s) of this ordinance or found guilty in a court of law of a violation(s) of this ordinance shall pay a fine of not less than Twenty-Five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00) for each violation of this ordinance and from the date of 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. (Ord. No. 2003-5, Sec. 10.)

## CHAPTER 11.36

### STORM WATER PROGRAM

#### Sections:

|          |                        |
|----------|------------------------|
| 11.36.01 | Purpose and objectives |
| 11.36.02 | Definitions            |
| 11.36.03 | Permit requirements    |
| 11.36.04 | Maintenance            |
| 11.36.05 | Inspection             |
| 11.36.06 | Enforcement action     |

#### 11.36.01 Purpose and objectives

- A. Purpose The purpose of this ordinance is to minimize the pollution, impairment, or destruction of natural resources that could be caused by storm water runoff.
- B. Objectives Specific objectives include the following:
1. Minimize storm water runoff pollution.
  2. Require construction site owner/operators to obtain the proper permit coverage.
  3. Require construction site owner/operators to develop a Storm Water Pollution Prevention Plan.
  4. To restrict storm water runoff entering and leaving development sites to non-erosive velocities by requiring temporary and permanent soil erosion control measures.
  5. To prevent unnecessary stripping of vegetation and loss of soils, especially adjacent to lakes, streams, watercourses, and wetlands.
  6. To reduce long-term expenses and remedial projects which are caused by uncontrolled storm water runoff and soil erosion.
  7. To encourage the design and construction of storm water control systems which serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation, and wetlands protection.



8. To reduce the detrimental impacts of storm water flows on downstream communities.
9. To provide for enforcement of this ordinance and penalties for violations. (Ord. No. 2006-2, Sec. 1.)

11.36.02 Definitions The following terms and phrases shall have the meaning given herein, unless the context otherwise requires:

**Best Management Practice (BMP)** – structural device, measure, facility, or activity which helps to achieve soil erosion and storm water management control objectives at a designated site.

**Disturbed area** – an area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

**Enforcing agency** – city of Shannon Hills and Arkansas Department of Environmental Quality.

**Large construction site** – any site that disturbs greater than or equal to ten acres, or any site that is part of a greater plan of common development that will disturb greater than ten acres.

**Medium construction site** – any site that disturbs between five acres and ten acres, or any site that is part of a great plan of common development that will disturb between five and ten acres.

**Outfall** – the point where water flows out from a conduit, drain, or stream.

**Receiving body of water** – any lake, pond, stream, wetland, or groundwater into which storm water runoff is directed.

**Sediment** – mineral or organic solid particulate matter that has been removed from its site of origin by

- A. Soil erosion;
- B. Suspension in water; and/or
- C. Wind or water transport.

**Small construction site** – any site that disturbs less than or equal to one acre.

**Soil erosion** – the wearing-away of land by the action of wind, water, gravity or a combination thereof.

**Soil erosion control facilities and measures** – any structure, facility, barrier, berm, vegetative cover, basin, or other measure which serves to control soil erosion in accordance with the purposes and standards of this ordinance.

- A. **Temporary measures** – installations designed to control soil erosion during construction or until soils in the contributing drainage area are stabilized.
- B. **Permanent measures** – installations designed to control soil erosion after a project is completed.

**Storm drain** – a conduit, pipe, natural channel or human-made structure which serves to transport storm water runoff.

**Storm water runoff** – Waters from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses, or conduits, measured in depth in inches.

**Storm Water Pollution Prevention Plan** – a document that indicates how erosion and sediment will be controlled whether by silt fence, hay bales, or other Best Management Practices. (Ord. No. 2006-2, Sec. 2.)

#### 11.36.03 Permit requirements

- A. Jurisdiction for permit administration All construction sites within the city of Shannon Hills are required to meet the following requirements.
- B. Permit requirements
  - 1. The owner or operator shall apply for permit coverage.
  - 2. All construction sites that disturb an area of one acre or more are required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to be maintained and updated at the site.
  - 3. Small construction sites (sites disturbing one to five acres) are required to post their site using ADEQ's Small Construction Site Notice.
  - 4. Medium construction sites (sites disturbing five to ten acres) are required to submit Notice of Intent to ADEQ.
  - 5. Large construction sites (sites disturbing greater than ten acres) are required to submit a Notice of Intent and a SWPPP to ADEQ.



- C. Storm Water Pollution Prevention Plan A SWPPP shall be developed for all sites in accordance with the provisions set forth in ADEQ's General Construction Storm Water Runoff Permit. (Ord. No. 2006-2, Sec. 3.)

11.36.04 Maintenance All BMPs identified in the SWPPP must be maintained in order to ensure that the controls are functioning properly. (Ord. No. 2006-2, Sec. 4.)

11.36.05 Inspections

- A. A Site Inspector will be designated by the Storm Water Management Program Manager. If the program manager sees necessary he/she may decline to appoint an Inspector. If an Inspector is not appointed all compliance issues will be reported to ADEQ.
- B. Site inspections will be made on a random basis.
- C. Inspections will be conducted to ensure the proper permit coverage has been obtained and that the permit provisions are being complied with.
- D. All complaints about storm water runoff pollution will be inspected in due time. (Ord. No. 2006-2, Sec. 5.)

11.36.06 Enforcement action

- A. All construction sites within the jurisdiction of Shannon Hills are subject to the provisions and penalties of this ordinance.
- B. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense.
- C. A person who has not complied with this ordinance, and who, after notice, refuses to implement and maintain soil erosion control and storm water runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) per each day that the violation was committed or ninety (90) days in jail, or both, plus the cost of prosecution. (Ord. No. 2006-2, Sec. 6.)

**CHAPTER 11.40****ENERGY CODE****Sections:****11.40.01      Adopted**

**11.40.01 Adopted** There is hereby adopted by the City Council of Shannon Hills, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Shannon Hills, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Shannon Hills, Arkansas. (Ord. No. 2012-5, Sec. 1.)



## TITLE 12

### PARKS AND RECREATION

#### Chapters:

12.04 City Parks

#### CHAPTER 12.04

##### CITY PARKS

#### Sections:

|          |                     |
|----------|---------------------|
| 12.04.01 | Hours of operation  |
| 12.04.02 | Reservation         |
| 12.04.03 | Construction        |
| 12.04.04 | Destroying property |
| 12.04.05 | Regulations         |
| 12.04.06 | Fine                |

12.04.01 Hours of operation Hours of operation shall be established by the City Council to insure parks are used for their intended purposes. (Ord. No. 99-8, Sec. 1.)

12.04.02 Reservation Any reserved use of a park shall be scheduled by calling the City Hall and securing permission prior to the intended use of the park. (Ord. No. 99-8, Sec. 2.)

12.04.03 Construction No person shall erect any building or perform any construction work of any kind or nature within the confines of a city park or property without prior approval of the city. (Ord. No. 99-8, Sec. 3.)

12.04.04 Destroying property No person shall vandalize, litter, remove any city property, deface any city property, destroy any city property or interfere with the natural progression of the natural area or remove any of the habitat thereof. (Ord. No. 99-8, Sec. 4.)

12.04.05 Regulations It shall be unlawful for any person to:

- A. Linger or remain in a park for the purpose of engaging in any sexual activity;
- B. Linger or remain in a park for the purpose of buying, distributing or using and controlled substance;
- C. Linger or remain in a park for the purpose of consuming or distributing alcoholic beverages;
- D. Possess any alcoholic beverages in a city park;
- E. Possess any handgun, knife, club or other weapon or instrument of harm on or about his person or in a vehicle occupied by him or readily available with the purpose to employ it as a weapon;
- F. Park a vehicle in any area other than that designated for parking; or
- G. Operate any motorized vehicle except in areas designated for such use.  
(Ord. No. 99-8, Sec. 5.)

12.04.06 Fine Any person who violates any section of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to One Thousand Dollars (\$1,000.00) and/or incarceration of up to one (1) year in the County Jail. (Ord. No. 99-8, Sec. 6.)



## **TITLE 13**

### **PLANNING**

#### **Chapters:**

13.04 Planning Commission

#### **CHAPTER 13.04**

#### **PLANNING COMMISSION**

#### **Sections:**

|          |              |
|----------|--------------|
| 13.04.01 | Created      |
| 13.04.02 | Powers       |
| 13.04.03 | Terms        |
| 13.04.04 | Expenses     |
| 13.04.05 | Appointments |
| 13.04.06 | Officers     |

13.04.01 Created A Planning Commission is hereby created and shall be known as the city of Shannon Hills Planning Commission. (Ord. No. 84-5, Sec. 1.)

13.04.02 Powers Shannon Hills Planning Commission shall have the necessary powers to carry out the municipal plan, including land use, zoning and subdivision regulations, and such other powers as are set forth by state law. (Ord. No. 84-5, Sec. 2.)

13.04.03 Terms The term of office for Shannon Hills Planning Commission shall be three (3) years, except that at the inception of said Commission the appointees shall be assigned one (1), two (2) and three (3) year appointments thereby creating staggered terms to ensure continuity of the Commission. Appointments to Commission shall be made by the Mayor and in the event a vacancy occurs under any condition, a successor shall be appointed within thirty (30) days. (Ord. No. 84-5, Sec. 3.)

13.04.04 Expenses The city of Shannon Hills, Arkansas, shall be responsible for such legitimate expenses incurred by said Commission in the performance of their duties. (Ord. No. 84-5, Sec. 4.)

13.04.05 Appointments Those appointed to this Commission shall be Robert Hall, Penny Kemp and Vivian Scales for three (3) years, J.C. Franks, Cheryl Dixon and Clint Edwards for two (2) years, and Sue Skipper and Jayne'e Linkous for one (1) year. (Ord. No. 2002-7, Sec. 1.)

13.04.06 Officers The Shannon Hills Planning Commission shall pick its own Chairman, Vice-Chairman and Recording Secretary. (Ord. No. 2002-7, Sec. 2.)



## TITLE 14

## ZONING

### Chapters:

- 14.04 Zoning Ordinance Adopted By Reference
- 14.08 Mobile Homes
- 14.12 Board of Adjustment
- 14.16 Improvement Districts
- 14.20 Flood Damage Prevention Code
- 14.24 Annexing, Vacating and Rezoning Property

### CHAPTER 14.04

### ZONING ORDINANCE ADOPTED BY REFERENCE

#### Sections:

- 14.04.01 Adopted by reference
- 14.04.02 Changes

14.04.01 Adopted by reference The document entitled Zoning Regulations for the City of Shannon Hills, prepared by Metroplan, under the direction of the Shannon Hills Planning Commission, dated October 1983, is hereby adopted by reference. (Ord. No. 84-4, Sec. 1.)

14.04.02 Changes Ord. No. 84-4 of the city of Shannon Hills, Arkansas, is hereby amended to include changes (Res. 85-2), and they shall become an integral part of the Zoning Regulations for the city of Shannon Hills, Arkansas.

Said changes to the Zoning Regulations of the city of Shannon Hills, Arkansas, shall be considered a part of this ordinance. (Ord. No. 85-3, Secs. 1-2.)

#### **Ord. No. 88-3      Section 7.1, Accessory Buildings**

Second paragraph, line six shall be changed by removing the words "one-half" after the word "rear" and replacing them with the words "fifty feet."

The Shannon Hills Zoning Regulations are hereby amended by inserting the words "or enclosed by a six (6) foot privacy fence" into the second paragraph of Section 7.1, line five (5), after the words "Unless so attached." Said sentence would now read "Unless attached, or so enclosed by a six (6) foot privacy fence..."

## **CHAPTER 14.08**

### **MOBILE HOMES**

#### **Sections:**

##### **14.08.01      Placement**

**14.08.01 Placement** All mobile homes placed within the city limits of the city of Shannon Hills, Arkansas, shall be placed either perpendicular to, or running with the roadway, but, in no instance shall they be placed at any other angle. (Ord. No. 98-6, Sec. 1.)

## **CHAPTER 14.12**

### **BOARD OF ADJUSTMENT**

#### **Sections:**

##### **14.12.01      Members 14.12.02      Officers**

**14.12.01 Members** Those appointed to this Board shall be James Shroyer for three (3) years, Donald Younger for two (2) years, and Mark Petz for one (1) year. (Ord. No. 99-22, Sec. 1.)

**14.12.02 Officers** James Shroyer shall serve as Chairman pro tem, and shall set the time for the meeting of said Board; Donald Younger shall serve as Vice-Chairman; and Mark Petz shall serve as Recording Secretary. (Ord. No. 99-22, Sec. 2.)



## CHAPTER 14.16

### IMPROVEMENT DISTRICTS

#### Sections:

- 14.16.01 South Fork Municipal Recreational Improvement District No. 4
- 14.16.02 Carrington Place Municipal Recreational Improvement District No. 5
- 14.16.03 Municipal Multi-Purpose Improvement District No. 53
- 14.16.04 Municipal Multi-Purpose Improvement District No. 54

14.16.01 South Fork Municipal Recreational Improvement District No. 4 That portion of NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 20, Township 1 South, Range 13 West. (Ord. No. 98-4, Sec. 1.)

14.16.02 Carrington Place Municipal Recreational Improvement District No. 5 Part of the NW  $\frac{1}{4}$  of Section 20, Township 1 South, Range 13 West. (Ord. No. 98-5, Sec. 1.)

14.16.03 Municipal Multi-Purpose Improvement District No. 53

Tract A Part of NW  $\frac{1}{4}$  of Section 20, Township 1 South, Range 13 West.

Tract B-I All that part of the S  $\frac{1}{2}$  of Section 19, and all that part of the N  $\frac{1}{2}$  of Section 30 in Township 1 S, Range 13 West.

Tract B-II Part of the N  $\frac{1}{2}$  of Section 19, Township 1 S, Range 13 West.

Tract B-III SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 18, Township 1 S, Range 13 West.

Tract C Portions of the fractional SW  $\frac{1}{4}$ , those portions of the fractional NW  $\frac{1}{4}$ , and those portions of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 31, Township 1 S, Range 13 West. (Ord. No. 2005-11, Sec. 1.)

14.16.04 Municipal Multi-Purpose Improvement District No. 54

Tract A Part of the NW  $\frac{1}{4}$  of Section 20, Township 1 S, Range 13 West.

Tract B-I All that part of the S  $\frac{1}{2}$  of Section 19, and all that part of the N  $\frac{1}{2}$  of Section 30, Township 1 S, Range 13 West.

Tract B-II Part of the N  $\frac{1}{2}$  of Section 19, Township 1 S, Range 13 West.

Tract B-III SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 18, Township 1 S, Range 13 West.

Tract C Portions of the fractional SW  $\frac{1}{4}$ , those portion of the fractional NW  $\frac{1}{4}$ , and those portions of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 31, Township 1 S, Range 13 West. (Ord. No. 2005-12, Sec. 1.)

## CHAPTER 14.20

### FLOOD DAMAGE PREVENTION CODE

#### Sections:

|          |   |
|----------|---|
| 14.20.01 | Statutory authority                               |
| 14.20.02 | Findings of fact                                  |
| 14.20.03 | Statement of purpose                              |
| 14.20.04 | Lands to which this ordinance applies             |
| 14.20.05 | Methods of reducing flood losses                  |
| 14.20.06 | Flood Damage Prevention Code adopted by reference |
| 14.20.07 | Abrogation and greater restrictions               |
| 14.20.08 | Interpretation                                    |
| 14.20.09 | Warning and disclaimer of liability               |
| 14.20.10 | Compliance  |
| 14.20.11 | Penalty for non-compliance                        |

14.20.01 Statutory authority The Legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Shannon Hills, Arkansas, does hereby ordain as follows. (Ord. No. 2012-3, Sec. 1.)

#### 14.20.02 Finding of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Shannon Hills, Arkansas, in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Saline County, Arkansas, and incorporated areas, dated June 19, 2012, with an effective Flood Insurance Rate Map (FIRM) dated June 19, 2012.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.



- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 2012-3, Sec. 2.)

14.20.03 Statement of purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 2012-3, Sec. 3.)

14.20.04 Lands to which this ordinance applies The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the city of Shannon Hills, Arkansas. (Ord. No. 2012-3, Sec. 4.)

14.20.05 Methods of reducing flood losses This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 2012-3, Sec. 5.)

14.20.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for city of Shannon Hills, Arkansas, dated April 10, 2012. The code shall include:

ARTICLE 1 DEFINITIONS  
 ARTICLE 2 ADMINISTRATION  
 ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Mayor and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2012-3, Sec. 6.)

14.20.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2012-3, Sec. 7.)



14.20.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2012-3, Sec. 8.)

14.20.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2012-3, Sec. 9.)

14.20.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2012-3, Sec. 10.)

14.20.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:
  - 1. Issue cease and desist orders on non-compliant floodplain development projects;
  - 2. Issue citations for non-compliance;
  - 3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and

4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
- B.
1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
  2. Any person found in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 2012-3, Sec. 11.)

## CHAPTER 14.24

### ANNEXING, VACATING AND RE-ZONING PROPERTY

#### Sections:

- |          |           |
|----------|-----------|
| 14.24.01 | Annexing  |
| 14.24.02 | Vacating  |
| 14.24.03 | Re-zoning |

#### 14.24.01 Annexing

- |                  |  |
|------------------|--|
| Ord. No. 85-9    | NW ¼ of SE ¼ of Sec. 21, Twp 1 S, Range 13 West<br>N ½ of Sec. 20, Twp 1 S, Range 13 West        |
| Ord. No. 86-1    | Part of NW ½ of Sec. 21, Twp 1 S, Range 13 West  |
| Ord. No. 86-10   | Part of Sec. 21, Twp 1 S, Range 13 West  |
| Ord. No. 87-8    | Part of SW ¼ of Sec. 22, Twp 1 S, Range 13 West  |
| Ord. No. 87-11   | Part of NW ¼, Sec. 20 Twp 1 S, Range 13 West   |
| Ord. No. 89-1    | SW ¼ of NE ¼, Sec. 20, Twp 1 S, Range 13 West  |
| Ord. No. 89-2    | NW ¼ of SW ¼ of Sec. 20, Twp 1 S, Range 13 West  |
| Ord. No. 90-2    | SW ¼ of Sec. 22, Twp 1 S, Range 13 West  |
| Ord. No. 2000-12 | Lots 38, 39, 40, 42, Dynasty Dr. in Carrington Place   |
| Ord. No. 2002-12 | Part of S ½ of Sec. 19, Twp 1 S, Range 13 West<br>Part of N ½ of Sec. 19, Twp 1 S, Range 13 West |



|                  |   |
|------------------|---|
| Ord. No. 2004-9  | Part of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 19, Twp 1 S, Range 13 West     |
| Ord. No. 2004-10 | NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 19, Twp 1 S, Range 13 West             |
| Ord. No. 2004-12 | Lot 1, N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 20, Twp 1 S, Range 13 West       |
| Ord. No. 2006-5  | Part of SE $\frac{1}{4}$ of Sec. 20, Twp 1 S, Range 13 West                         |
| Ord. No. 2006-7  | Part of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 20, Twp 1 S, Range 13 West     |
| Ord. No. 2007-3  | Part of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 20, Twp 1 S, Range 13 West     |
| Ord. No. 2007-11 | Part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 22, Twp 1 S, Range 13 West |

## **TITLE 15**

### **SUBDIVISION REGULATIONS**

#### **Chapters:**

15.04 Development and Subdivision of Land Regulation

#### **CHAPTER 15.04**

#### **DEVELOPMENT AND SUBDIVISION OF LAND REGULATION**

#### **Sections:**

- 15.04.01 Subdivision regulations adopted by reference
- 15.04.02 Fine
- 15.04.03 Amendment

15.04.01 Subdivision regulations adopted by reference The control of Development and Subdivision of Land Regulation dated January 1984, approved by the Shannon Hills Planning Commission, is hereby adopted by reference, and shall be considered a part of this ordinance. (Ord. No. 84-8, Sec. 1.)

15.04.02 Fine A private person, firm, association, organization or corporation, found to be in violation of this ordinance, by a court of law, shall be guilty of a misdemeanor and shall pay a fine of not less than Fifty Dollars (\$50.00) for each offense. Each lot subdivided in violation of this ordinance shall be considered a separate offense. Each day that a violation continues shall be considered a separate offense. (Ord. No. 84-8, Sec. 2.)

15.04.03 Amendment Ord. No. 84-8 of the city of Shannon Hills, Arkansas, is hereby amended to include said changes (Res. 85-2), and they shall become an integral part of the Control of Development and Subdivision of Land Regulations for the city of Shannon Hills, Arkansas.

Said changes to the control of Development and Subdivision of Land Regulation of the city of Shannon Hills, Arkansas, shall be considered a part of this ordinance. (Ord. No. 85-4, Secs. 1-2.)



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