

MUNICIPAL CODE

**A Code of the General Ordinances
of the city of Redfield, Arkansas**

Date of Incorporation

Oct. 29, 1998

Date of Codification

July 2010

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

REDFIELD MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor

George Sanders

Recorder/Treasurer

Rita Jackson

City Attorney

Brandon Robinson

City Judge

Kimberly Bridgforth

Police Chief

Jack Wakefield

Fire Chief

Dennis McFatridge

Water Superintendent

Charles Croy

Street Superintendent

Harmon Carter

Code Enforcement Officer

Brandon Rochelle

Parks, Recreation Director

Diann Smith

Aldermen

Billy Elliott

Sandra Garrett

Darrell Hedden

James Smith

John Jones

Tony Lawhon

ORDINANCE NO. 2010-6

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDFIELD,
ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Redfield 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 10/05/2010, 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 5th day of October, 2010. 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enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body.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 the repeal provided for in Section 2 hereof shall not affect any of the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- B. Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- C. Any contract or obligation assumed by the city;
- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- E. Any appropriation ordinance;

- F. Any ordinance which, by its own terms, is effective only for a stated or limited time;
- G. Any ordinance providing for local improvements and assessing taxes therefore;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after 10/05/2010.

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

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

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in 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 7. That three copies of such code shall be kept on file in the office of the Mayor 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 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Redfield to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

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

Section 10. It is hereby found that many of the ordinances of the city of Redfield 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 Redfield 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 5th day of October, 2010.

Mayor

(SEAL)

ATTEST:

Recorder/Treasurer

P R E F A C E

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

TABLE OF CONTENTS

Title 1	General Provisions
Title 2	Classification, Administration and Personnel
Title 3	Fiscal Affairs
Title 4	Business Licenses and Regulations
Title 5	Health and Sanitation
Title 6	Animals and Fowl
Title 7	Public Peace, Safety and Morals
Title 8	Vehicles and Traffic
Title 9	Streets and Sidewalks
Title 10	Utilities
Title 11	Buildings and Construction
Title 12	Parks and Recreation
Title 13	Planning
Title 14	Zoning
Title 15	Subdivision Regulations

SUPPLEMENT NO. 2

CODE OF ORDINANCES

CITY OF

REDFIELD, ARKANSAS

Remove Old Page

8
10
12
13
14
15
15.1
17

Title 3
Title 6
53
73.2
73.3

74
75

81
82
104
110

112
114

128.3
Index

Insert New Page

8 ✓
10 ✓
12 ✓
13 ✓
14 ✓
15 ✓
15.1 ✓
17 ✓
17.1 – 17.5 ✓
Title 3 ✓
Title 6 ✓
53 ✓
73.2 ✓
73.3 ✓
73.4 – 73.18 ✓
74 ✓
75 ✓
75.1 ✓
81 ✓
82 ✓
104 ✓
110 ✓
110.1 ✓
112 ✓
114 ✓
115.1 ✓
128.3 ✓
Index ✓

September 2014

Supp 1 & Supp 2 - Done
RMD
11-4-2014
Checked by
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SUPPLEMENT NO. 3

CODE OF ORDINANCES

CITY OF

REDFIELD, ARKANSAS

Remove Old Page

~~10~~

~~12~~

Insert New Page

10

11.1

12

January 2015

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SUPPLEMENT NO. 4
CODE OF ORDINANCES
CITY OF
REDFIELD, ARKANSAS

Remove Old Page

~~6~~
~~7~~
~~16~~
~~17~~
~~18~~

~~19~~

~~44~~
~~45~~
~~65~~
~~66~~

~~67~~
~~91~~
~~92~~
~~93~~
~~96~~
~~97~~
~~110.1~~
~~131~~

Insert New Page

6
7
16
17
18
18.1
19
19.1
44
45
65
66
66.1
67
91
92
93
96
97
~~110.1~~
131

January 2018 (through Ord. #2017-3)

DA 3/7/18

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.04 How Code Designated and Cited
- 1.08 Rules of Construction
- 1.12 Subheadings of Sections
- 1.16 Effect of Repeal of Ordinances
- 1.20 Severability of Parts of Code
- 1.24 Amendments to Code
- 1.28 Altering Code
- 1.32 General Penalty
- 1.36 Referendum Petitions

CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Sections:

- 1.04.01 How code designated and cited

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

STATE LAW REFERENCE-See A.C.A. 14-55-701; et seq.

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

1.08.01 Rules of construction

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

STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the state of Arkansas.

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Sections:

1.12.01 Subheadings of sections

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

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Sections:

1.16.01 Effect of repeal of ordinances

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

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

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

Sections:

1.20.01 Severability of parts of code

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

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.02 Amendments to code

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

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

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

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

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance of the City Council, which shall cause the law of the city of Redfield, 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) 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. 14-55-504.

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

- 1.36.01 Filing date
- 1.36.02 Effective Dates
- 1.36.03 Notice of Passage
- 1.36.04 Notice of hearing
- 1.36.05 City Council calls election
- 1.36.06 Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas must be filed with the Recorder/Treasurer within thirty (31) days after passage of such ordinance. (Ord. No. 2014-7, Sec. 2.)

1.36.02 Effective dates All ordinances passed by the City Council without an emergency clause shall take effect on the day next following the deadline for the filing of a referendum petition with the City Recorder/Treasurer. (Ord. No. 2014-07, Sec. 1.)

Ordinances passed with an emergency clause shall go into effect immediately, but shall not be effective to impose a fine, penalty, forfeiture or deprivation of liberty or property until after the ordinance has been published or posted as is otherwise required by law. (Ord. No. 2014-07, Sec. 3.)

1.36.03 Notice of Passage Following the passage of an Ordinance, written or posted notice of the ordinance may be made by posting it in the following five (5) locations: City Hall, City Police Department, Library, Shopwise Grocery Store, and the Redfield Community Center (formerly the Redfield Junior High School). (Ord. No. 2014-07, Sec. 4.)

1.36.04 Notice of hearing Upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the city of Redfield, Arkansas, and by posting in five (5) public places in the city of Redfield of a time not less than five (5) days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Jefferson County within thirty (30) days to review its action. (Ord. No. 80-3, Sec. 2.)

1.36.05 City Council calls election If the City Council of the city of Redfield, Arkansas, finds that such petition is signed by the requisite number of qualified petitioners, it may order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the city of Redfield, Arkansas and by posting in five (5) public places in the city of Redfield not less than five (5) days prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election. (Ord. No. 80-3, Sec. 3.)

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

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

TITLE 2
CLASSIFICATION, ADMINISTRATION
AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 Ward Boundaries
- 2.12 City Council
- 2.16 City Attorney
- 2.20 Volunteer Fire Department
- 2.24 Police Department
- 2.28 City Court
- 2.32 Recorder/Treasurer
- 2.36 Personnel Handbook

CHAPTER 2.04
CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as second class city

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

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

CHAPTER 2.08

WARD BOUNDARIES

Sections:

- 2.08.01 Ward boundaries
- 2.08.02 Published

2.08.01 Ward boundaries Ward boundaries for the city of Redfield, Arkansas, shall hereafter, be as shown on the attached map, which is made a part hereof, and the legal description is as follows:

Ward 1 Beginning at the intersection of the north city boundary line (same being the north line of the S $\frac{1}{2}$ of Sec. 16, Twp 3 S, Range 11 West) and State Highway 365, thence in a southeasterly direction along State Highway 365 to Mill Street, thence northeasterly along Mills Street to West Railroad Street, thence northwesterly along West Railroad Street to Sheridan Road, thence northeasterly along Sheridan Road to the railroad tracks, thence southeasterly along the railroad tracks to Tar Camp Creek, thence southwesterly along Tar Camp Creek to Arkansas Highway 365, thence south along State Highway 365 to the south boundary line of the city (same being the south line of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 27, Twp. 3 S, Range 11, West), thence along the city boundary line in a generally clockwise direction to the point of beginning.

Ward 2 Beginning at the intersection of the north city boundary line (same being the north line of the S $\frac{1}{2}$ of Sec. 16, Twp 3 S, Range 11 West) and State Highway 365, thence southeasterly along State Highway 365 to Mill Street, thence northeasterly along Mill Street to West Railroad Street, thence northwesterly along West Railroad Street to Sheridan Road, thence northeasterly along Sheridan Road to the railroad tracks, thence southeasterly along the railroad tracks to Tar Camp Creek, thence southwesterly along Tar Camp Creek to Arkansas Highway 365, thence south along State Highway 365 to the south boundary line of the city (same being the south line of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 27, Twp 3 S, Range 11 West), thence east along the city boundary line in a counter clockwise direction to a point where McBurnett Drive intersection intersects the east boundary line of the city (same being the east line of Sec. 15, Twp 3 S, Range 10 W, thence northwesterly along McBurnett Drive to Michael Drive, thence north and then east along Michael Drive to Cara Jane Street thence north along Cara Jane Street to Ruby Road thence west along Ruby Road to River Road thence northeasterly along River Road to the north boundary line of the city (same being north line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 15, Twp 3 S, Range 11 West), thence along the city boundary line in a generally counter clockwise direction to the point of beginning.

Ward 3 Beginning at the intersection of the north city boundary line (same being the north line (same being the north line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 15, Twp 3 S, Range 11 West), and River Road, thence southwesterly along River Road to Ruby Road, thence easterly

along Ruby Road to Cara Jane Street, thence south on Cara Jane Road to Michael Drive, thence west and then south along Michael Drive to McBurnett Road, thence southeasterly along McBurnett Road to a point where McBurnett Road intersects the east boundary line of the city (same being the east line of Sec. 15, Twp 3 S, Range 11 W), thence along the city boundary line in a generally counter clockwise direction to the point of beginning. (Ord. No. 2001-3, Sec. 1.)

2.08.02 Published An accurate description of each ward shall be published in a local newspaper of general circulation. (Ord. No. 2001-3, Sec. 2.)

CHAPTER 2.12

CITY COUNCIL

Sections:

- | | |
|---------|---|
| 2.12.01 | Council meetings - regular |
| 2.12.02 | Council meetings – special – Mayor |
| 2.12.03 | Council meetings – special – Council |
| 2.12.04 | Business at special meeting |
| 2.12.05 | Notice to news media of special meeting |
| 2.12.06 | Presiding officer |
| 2.12.07 | Conduct |
| 2.12.08 | Record of proceedings |
| 2.12.09 | Publication |
| 2.12.10 | Procedure |
| 2.12.11 | Readings |
| 2.12.12 | Suspension of the rules |
| 2.12.13 | Order of business |
| 2.12.14 | Ordinances and resolutions for Council |
| 2.12.15 | Agenda requirements |

2.12.01 Council meetings – regular The regular meeting date of the City Council of the city of Redfield, Arkansas, shall be held on the first Tuesday of each month at City Hall at 7:00 p.m. (Ord. No. 2006-7, Sec. 1.)

2.12.02 Council meetings – special - Mayor The Mayor shall have the power, when in his judgment it shall be for the interest of the city, to call a meeting of the City Council. Such meetings shall be called by the Mayor fixing the time of the meeting and issuing or causing to be issued a summons directed by the Police Chief commanding him to summon each alderman to attend such meeting in which summons of the object of the meeting shall be stated in general terms. At the option of the Mayor a summons may be dispensed with. (Ord. No. 2006-7, Sec. 2.)

2.12.03 Council meetings – special – Council Whenever three (3) Aldermen shall sign a notice to the other members of the City Council of a special meeting of the Council, stating therein the object of such meeting, such special meeting shall be held at the time designated in the call, such notice shall be served by the Police Chief. At the option of the Aldermen a summons may be dispensed with. (Ord. No. 2006-7, Sec. 3.)

2.12.04 Business at special meeting At any special meeting no other business shall be transacted except that for which the meeting was called, provided, however, the Council can lawfully sit and transact any business at any time without notice when all members of the Council are present. (Ord. No. 2006-7, Sec. 4.)

2.12.05 Notice to news media of special meeting In the event of a special meeting, the Mayor or Aldermen calling the meeting shall notify the representatives of the newspapers, radio stations, and television stations, if any, located in this county and which have requested to be so notified of such special meetings, of the time, place and date at least two (2) hours before such a meeting takes place in order that the public shall have representatives at the meeting. (Ord. No. 2006-7, Sec. 5.)

2.12.06 Presiding officer The Mayor shall preside at the meetings during the term for which he was elected, and in case his vote is needed to pass any ordinance, by-law, resolution, order or motion, the Mayor may vote. The Mayor shall have a vote to establish a quorum of the Council. (Ord. No. 2006-7, Sec. 6.)

2.12.07 Conduct Any person who shall disrupt or interfere with a meeting of the Council or creates a disturbance in such meeting, may be charged with such offense, and if convicted, shall be punished in accordance with the laws of the state of Arkansas. (Ord. No. 2006-7, Sec. 7.)

2.12.08 Record of proceedings The Clerk shall keep a record of its proceedings in a manner contemplated by the laws of the state of Arkansas and other legislative bodies. The yeas and nays shall be taken and entered upon the record on any ordinance or resolution. (Ord. No. 2006-7, Sec. 8.)

2.12.09 Publication When any ordinance of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be passed, the Clerk shall furnish a copy to a newspaper of general circulation in the city for publication. (Ord. No. 2006-7, Sec. 9.)

2.12.10 Procedure The *Procedural Rules for Municipal Officials* booklet published by the Arkansas Municipal League, three (3) copies of which are on file with the Clerk's office, are hereby adopted as the rules to be followed in the conducting of meetings of the governing body. (Ord. No. 2006-7, Sec. 10.)

2.12.11 Readings All resolutions must be read, seconded and stated by the Chair before they shall be subject to debate. (Ord. No. 2006-7, Sec. 11.)

2.12.12 Suspension of the rules No rules contained within this ordinance or the *Procedural Rules for Municipal Officials* adopted by reference hereby shall be suspended except by unanimous consent of the members of the Council. (Ord. No. 2006-7, Sec. 12.)

2.12.13 Order of business At all meetings of the Council, the following shall be the order of business unless the Council by a majority vote shall order otherwise:

- A. Call to order
- B. Roll call
- C. Review minutes of the previous meeting
- D. Reports of boards and standing committees
- E. Reports of special committees
- F. Unfinished business
- G. New business
- H. Announcements
- I. Pay invoices
- J. Adjournment

2.12.14 Ordinances and resolutions for Council All ordinances and resolutions to be presented at a Council meeting are to be circulated by e-mail or other appropriate method to all Councilmembers, the City Attorney and the Mayor at the earliest convenience of the Recorder/Treasurer after their submission to the Recorder/Treasurer, but no later than the Friday immediately preceding the Council meeting. (Ord. No. 2012-13, Sec. 1.)

2.12.15 Agenda requirements

- A. From and after the effective date of this ordinance, any person wishing to place an item on the agenda, will make their request known to the Recorder/Treasurer of the city of Redfield by 4:30 p.m. of the last Thursday of the month; and
- B. Each request will include a concise statement of the subject matter, and the name, phone number and address of the person desiring to add the item to the agenda; and
- C. Except for emergencies, all ordinances and resolutions must be submitted in their entirety to the Recorder/Treasurer by 4:30 p.m. of the last Tuesday of the month to be on the agenda for the following month's City Council meeting.
- D. The following procedures will govern citizen participation at any regular or special meeting of the Redfield City Council.

1. Any citizen wishing to address an item that they have requested to be on the agenda, will be allowed five (5) minutes per person to address the Council, and must confine their remarks to that agenda item.
2. After all agenda items have been concluded, if time allows, citizens will have an opportunity to address the Council concerning matters not otherwise on the agenda. Each citizen who wishes to speak will be allotted three (3) minutes per person.
3. No citizen will be denied the right to speak because of their viewpoint. The Recorder/Treasurer will keep the citizen's time and shall notify the Mayor or presiding officer when the citizen's time has expired. The citizen may remain to answer questions from the Mayor or City Council, or any other person recognized by the presiding official.
4. Citizens speaking or otherwise making noise during the Council meeting, other than as provided in this policy, will be ruled out of order by the Mayor or presiding officer, and will be asked to remain silent until such time as they are recognized to speak under this policy. Non-compliance with this request will be considered disruptive and the offending party may be required to leave the meeting. (Ord. No. 2012-6, Sec. 1.)

CHAPTER 2.16

CITY ATTORNEY

Sections:

- 2.16.01 Appointment
- 2.16.02 Duties

2.16.01 Appointment

- A. Pursuant to A.C.A. 14-42-112, the city desires that the position of City Attorney shall be appointed by a majority of the City Council, and
- B. The person so appointed must meet all the requirements established by the aforementioned statute. (Ord. No. 2005-4, Secs. 1-2.)

2.16.02 Duties It shall be the duty of the City Attorney to prosecute all cases in the District Court for violation of the city's ordinances, and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal. The City Attorney is to be present at Council Meetings and shall be responsible for reviewing and writing ordinances.

CHAPTER 2.20

VOLUNTEER FIRE DEPARTMENT

Sections:

2.20.01	Creation
2.20.02	Fire Chief
2.20.03	Compensation
2.20.04	Appointment of members
2.20.05	Equipment
2.20.06	Rules and regulations
2.20.07	Training sessions
2.20.08	Reimbursement
2.20.09	Records
2.20.10	Budget
2.20.11	Funds
2.20.12	Recorder/Treasurer
2.20.13	Internal organization

2.20.01 Creation The current volunteer Fire Department, officially known as the Redfield Fire Department provides services for the city of Redfield, Arkansas, and operates under the control of the Redfield Rural Volunteer Fire Association, which is the governing body of the Fire Department, and its operations shall include the city of Redfield, Arkansas, and surrounding areas included in its fire district. (Ord. No. 2012-11, Sec. 1.)

2.20.02 Fire Chief The Fire Chief for the Redfield Fire Department shall be appointed by majority vote of the Redfield Rural Volunteer Fire Association, and the City Council of the city of Redfield, Arkansas, shall recognize such Fire Chief as the Fire Chief for the Redfield Fire Department. (Ord. No. 2012-11, Sec. 2.)

2.20.03 Compensation The Fire Chief shall receive no compensation, except for reimbursement specified in 2.20.08 of this ordinance, unless approved by the City Council of the city of Redfield, Arkansas, and put in place by ordinance. (Ord. No. 2012-11, Sec. 3.)

2.20.04 Appointment of members The Fire Chief shall have direct control and management of the operations of the Redfield Fire Department. The Fire Chief shall appoint the Assistant Fire Chief, Captains, Lieutenants and all other members of the Redfield Fire Department. (Ord. No. 2012-11, Sec. 4.)

2.20.05 Equipment The Fire Chief shall be directly charged with the responsibility and accountability to the city of Redfield, Arkansas, for all equipment owned by the city of Redfield, Arkansas, and to the Redfield Rural Volunteer Fire Association for all equipment owned by the Redfield Rural Volunteer Fire Association, and used by the Redfield Fire Department. (Ord. No. 2012-11, Sec. 5.)

2.20.06 Rules and regulations The Fire Chief shall implement, with approval from the Redfield Rural Volunteer Fire Association, such rules and standard operating procedures as deemed necessary for the proper function and operation of the Redfield Fire Department. (Ord. No. 2012-11, Sec. 6.)

2.20.07 Training sessions The Redfield Fire Department shall hold no less than two (2) training sessions each month as directed by the Fire Chief. (Ord. No. 2012-11, Sec. 7.)

2.20.08 Reimbursement All members of the Redfield Fire Department shall receive an annual reimbursement for expenses for the use of their private vehicles in attending meetings, attending drills, responding to emergency calls, cleaning and repairing of clothing, and any other related expenses, as specified in the attached Redfield Fire Department Reimbursement Plan, dated May 1, 1012. (Ord. No. 2012-11, Sec. 8.)

2.20.09 Records The Fire Chief shall keep a record of the names of all department members who attend each month's meetings, who respond to all emergency calls, and the work hours required by the Reimbursement Plan specified in 2.20.08 of this ordinance. (Ord. No. 2012-11, Sec. 9.)

2.20.10 Budget After consideration of input by the Fire Chief, the budget for all funds appropriated by the city of Redfield, Arkansas, and designated for the Redfield Fire Department, shall be presented by the Mayor to the City Council for approval in the same time and manner as the budgets of all other city departments. (Ord. No. 2012-11, Sec. 10.)

2.20.11 Funds All funds appropriated by the city of Redfield, Arkansas, to the Redfield Fire Department shall be placed in a separate account at a bank or similar financial institution and shall not be co-mingled with any funds maintained or controlled by the Redfield Rural Volunteer Fire Association. The funds of the Redfield Fire Department shall be expended only in a manner consistent with standard budgeting practices, state law, and directives of the City Council of the city of Redfield, Arkansas. (Ord. No. 2012-11, Sec. 11.)

2.20.12 Recorder/Treasurer The City Recorder/Treasurer of the city of Redfield, Arkansas, is designated as the person responsible for the account of the Redfield Fire Department and shall have the authority to write checks from the account. The Recorder/Treasurer shall maintain a record of all appropriations, expenditures, or any financial

transactions of the account in a manner consistent with standard budgeting practices, state law, and/or city ordinances. The City Recorder/Treasurer must keep detailed records of any transaction that is funded in any way by grants, ACT 833, or any other source outside of the funded annual budget. (Ord. No. 2012-11, Sec. 12.)

2.20.13 Internal organization Nothing in this ordinance shall affect the internal organization of the Redfield Rural Volunteer Fire Association, or its service to rural members, nor shall it affect the control of any funds received, deposited, expended, or maintained by the Redfield Rural Volunteer Fire Association, or its successor organizations. (Ord. No. 2012-11, Sec. 13.)

CHAPTER 2.24

POLICE DEPARTMENT

Sections:

2.24.01	Established
2.24.02	Police Chief
2.24.03	Salary of patrolman
2.24.04	Warrant service fee
2.24.05	Sick leave

2.24.01 Established The city of Redfield shall have a Police Department. (Ord. No. 87-10, Sec. 1.)

2.24.02 Police Chief The designation of City Marshall and Deputy City Marshall shall now and henceforth be known as Chief of Police and Patrolmen. (Ord. No. 87-10, Sec. 2.)

2.24.03 Salary of patrolman Ord. No. 87-11 setting the salary of the Police Chief and patrolmen is hereby amended to provide a salary to be determined by the City Council in the budget of that year.

2.24.04 Warrant service fee

- A. From and after the effective date of this ordinance, the city police may collect the sum of Fifty Dollars (\$50.00) for the service of any and all criminal warrants and summons; and
- B. The city police may collect mileage at the rate established by the current Department of Finance and Administration schedule, for all miles driven outside of the corporate city limits; and,

- C. All funds collected pursuant to this ordinance be deposited into the Criminal Justice Fund. (Ord. No. 2007-1, Sec. 1.)

2.24.05 Sick leave

- A. Pursuant to A.C.A. 14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.
- B. Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.
- C. If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed ninety (90) days' salary. (Ord. No. 2010-7, Sec. 1.)

CHAPTER 2.28

CITY COURT

Sections:

2.28.01	City Court established
2.28.02	Qualifications and powers of City Judge
2.28.03	Salary
2.28.04	Jailed defendants
2.28.05	Per diem
2.28.06	Additional costs
2.28.07	Fine collections

2.28.01 City Court established The City Court is hereby established for the city of Redfield, Arkansas.

2.28.02 Qualifications and powers of City Judge The City Judge shall possess the same qualifications and have the same powers, jurisdiction, functions and duties as is provided by state law for other city judges.

2.28.03 Salary The salary of the City Judge is determined by the City Council in the budget.

2.28.04 Jailed defendants All defendants in Redfield City Court, who must be jailed, are jailed outside the city of Redfield, Arkansas. (Ord. No. 99-2, Sec. 1.)

2.28.05 Per diem The city of Redfield, Arkansas, must pay a per diem rate for housing the defendant. (Ord. No. 99-2, Sec. 2.)

2.28.06 Additional costs

- A. In addition to all other costs now or as may hereafter be provided by law or city ordinance, there is levied and collected from each defendant upon plea of guilty, nolo contendere, forfeiture of bond, or determination of guilt for misdemeanors or traffic violations in this City Court, a sum not to exceed Five Dollars (\$5.00) to help defray the cost of incarcerating the city prisoners as authorized by Act 1336 of 1999. (Ord. No. 99-2, Sec. 3.)
- B. From the date of passage and adoption of this ordinance, the Court Clerk of the city of Redfield, Arkansas, shall collect an administrative fee in a sum of not-less-than Five Dollars (\$5.00) per month for each criminal or traffic charge for which the City Court of Redfield, Arkansas, has imposed a fine and/or court costs, and being remitted and collected via monthly installment payments.

1. One Dollar (\$1.00) of each Five Dollar (\$5.00) collection as set forth in (B) herein, shall be deposited in the General Fund of the city of Redfield, Arkansas, to be distributed in accordance with the needs of the administration of the City Court of Redfield, Arkansas, including, but not limited to, technology, personnel, equipment, and other administrative needs of the City Court of Redfield, Arkansas, as determined by the City Council of the city of Redfield, Arkansas.
2. Four Dollars (\$4.00) of each Five Dollar (\$5.00) collection as set forth in (B) herein shall be deposited in the Redfield Police Department Fund. (Ord. No. 2006-9, Secs. 3-5.)

2.28.07 Fine collection The Redfield District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Redfield, Arkansas . (Ord. No. 2015-2, Sec. 1.)

CHAPTER 2.32

RECORDER/TREASURER

Sections:

- | | |
|---------|------------------|
| 2.32.01 | Offices combined |
| 2.32.02 | Title |
| 2.32.03 | References |

2.32.01 Offices combined The offices of City Recorder and City Treasurer are combined, and one person is authorized to hold this position. (Ord. No. 2012-1, Sec. 1.)

2.32.02 Title This office shall be known as Recorder/Treasurer for the city. (Ord. No. 2012-1, Sec. 2.)

2.32.03 References Any reference in the ordinances of the city of Redfield which refer to the Clerk shall be deemed to refer to the position of Recorder/Treasurer. (Ord. No. 2012-1, Sec. 3.)

CHAPTER 2.36**PERSONNEL HANDBOOK****Sections:**

2.36.01 Amendments

2.36.01 Amendments**Ord. No. 2012-2****Warning process for performance, conduct, attendance and tardiness (up to and including suspension and/or termination)**

- A. Policy The following are guidelines. Any such variance to application of this policy must be approved by the City Council. The services of an employee whose performance, conduct or attendance is unsatisfactory may be suspended or terminated, but only after:

1. He/she has been given an opportunity to improve and meet the requirements of his/her position.
2. The warning process set out in this policy has been followed.

Review of the causes of unsatisfactory performance, conduct, attendance, or tardiness and wise remedial action by the supervisor may rescue a good employee. This policy applies to all employees regardless of the length of employment with the city of Redfield.

- B. Reasons for immediate termination An employee may be terminated immediately without notice or without any termination allowance for the following causes:

1. Fighting, threats or horseplay which results, or could result, in injury to or intimidation of fellow employees or customers.
2. Bringing unauthorized firearms or explosives or weapons of any kind upon city property.

- C. Warning process for performance, conduct, attendance and tardiness

1. Any act of disloyalty that would damage the city of Redfield, Arkansas's reputation or interests.
2. Any act of dishonesty.

3. Carrying or using any alcohol, illegal drugs, drugs used in violation of this policy.
4. Interference with another employee in the performance of his/her duties, delaying or otherwise restricting operations or influencing others to do so.
5. Reporting for duty in a condition such as, but not limited to, under the influence of alcohol or drugs that make the employee unfit to perform his/her duties.
6. Behaving in a manner potentially hazardous to himself/herself or others.
7. Removal of city of Redfield, Arkansas, employee or customer property from the premises without approval.
8. Repeatedly being put on warning of the same offense.

This list is not intended to be all inclusive. Other acts or omission of similar or serious nature, whether or not they are listed, are included in this policy. If the employee is suspended or terminated for any of these reasons, the employee's supervisor should document the exact reason for the termination. Documentation should be included in the employee's personnel file.

- D. Suspension or termination for performance, conduct, absenteeism or tardiness
Employees may be suspended for three (3) business days, or terminated for performance, conduct, unauthorized or excessive absenteeism or tardiness only after they have been cautioned of the need for improvement by Oral Warning, Initial Written Warning and Final Written Warning.
- E. Warning process for performance, conduct, attendance and tardiness Note:
Warnings are a confidential process between employee and supervisor. Warnings should not be given in the presence of another employee, unless said employee requests the presence of another department head or alderman.

Step 1

The following warnings listed in Step 1 are considered Oral Warnings. Even though nothing is to be placed in the employee's personnel file, the supervisor must document oral warnings. Oral warnings do not make the employee ineligible to participate in any bonuses provided by the city of Redfield. The employee must be given the option to review and sign all documented Oral Warnings.

Performance or conduct: The supervisor should discuss with the employee the areas of the employee's performance or conduct which need improvement.

Attendance or tardiness: The supervisor should discuss the situation with the employee. Efforts will be made to find a mutually agreed solution so that the employee's attendance or tardiness can be brought back to an acceptable level.

Sept 2

After an appropriate period of time, if no improvement or insufficient improvement has been observed in either the employee's performance, conduct, attendance or tardiness:

1. A formal discussion should be held with the employee. Once again, the employee should be counseled as to what results are expected from him/her.
2. This discussion should be documented as the Initial Written Warning and should contain a statement to the effect that it does make the employee ineligible for any bonuses provided by the city of Redfield to its employees for a period of ninety (90) days. The Initial Written Warning should be signed by the employee, supervisor and Mayor and should be included in the employee's personnel file.

Step 3

After an appropriate period of time, if there still has not been sufficient improvement in the employee's performance, conduct, attendance or tardiness:

1. The employee should again be counseled as to what results are expected from him/her.
2. This discussion should be documented as the Final Written Warning and should contain a statement to the effect that it does make the employee ineligible for participation in any bonuses provided by the city of Redfield to its employees for a period of ninety (90) days. The employee should be suspended, without pay, for three (3) business days at this time. This Final Written Warning should be signed by the employee, supervisor and Mayor and should be included in the employee's personnel file.

Step 4

If the conditions outlines in Step 3 are not met by the specified time period, the employee will be terminated immediately. The employee's termination should be documented in memo form and placed in his/her personnel file. Whenever an employee is placed on any written warning, the employee's supervisor must specify a reasonable time by which the warning will be reviewed. This review can result in:

1. The employee being taken off warning if the specific performance has improved.
2. The warning being extended, if the specific performance has not improved, and there is sufficient documentation to substantiate a suspension; or,
2. The employee being terminated if there is no improvement, and there is sufficient documentation to substantiate termination.

Termination of employment can only occur if the four (4) step progressive approach has been followed as outlined in this policy and documented appropriately.

- F. Repeated warnings for the same offense If an employee has repeatedly been placed on warning for the same offense, the supervisor may inform the employee that further conduct for the same offense may result in suspension of three (3) days, without pay, or termination without further warning.
- G. Eligibility for bonuses provided by the city of Redfield to its employees When an Initial or Final Written Warning is issued, it will make the employee ineligible for participation in any bonuses provided by the city of Redfield for a minimum period of ninety (90) days, commencing from the first day of the month the Written Warning was issued. For each quarter the employee is on Initial or Final Written Warning, the potential bonus provided by the city of Redfield shall be deducted by twenty-five percent (25%).

If the Initial or Final Written Warning is issued in the months of November or December, any bonuses provided by the city of Redfield would be reduced by nine percent (9%) for each month of that year, and the remainder of the warning would carry forward into the following year, thus, reducing any bonuses provided by the city of Redfield for the following year by nine percent (9%) for those months.
- H. Review of probable termination In each instance of probable suspension and/or termination, the supervisor should review the specific circumstances with the Mayor before actually suspending or termination an employee.
- I. Informing employee of termination In all cases of suspension or termination, the employee's supervisor is responsible for informing the employee of his/her suspension or termination. An attempt should be made to explain the termination to the employee and to alleviate any unfavorable relations which may exist.
- J. Termination pay When termination is by the city of Redfield, two (2) weeks' notice or two (2) week's pay in lieu of notice may be given to the employee depending upon the reason for termination. Employees terminated for dishonesty, misconduct or other reasons should not be paid two (2) weeks. In addition, employees with one (1) or more years of service shall be entitled to any earned and unused vacation up to a maximum of one hundred twenty (120) hours. The final pay check will be paid on the appropriate next payday and the paycheck/paystub will be mailed to the employee at the home address of record.
- K. COBRA Employees terminating employment have the option of either having their health insurance canceled or having continued coverage under COBRA.

Ord. No. 2011-2

5.2 Holidays and holiday pay The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to, uniformed employees, as provided by the laws of the state of Arkansas.

New Year's Day	January 1 st
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	
Christmas Eve	December 24 th
Christmas Day	December 25 th
(Ord. No. 2011-2, Sec. 1.)	

Ord. No. 2010-75.4 Sick Leave

5.4.1 Police Department Pursuant to A.C.A. 14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

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

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed ninety (90) days' salary.

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Officials Conducting Business with City
- 3.12 Sales Tax
- 3.16 Fixed Assets

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 \$100.00 and under
- 3.04.02 Council approval
- 3.04.03 Over \$10,000.00
- 3.04.04 Obsolete items
- 3.04.05 Other disposal

3.04.01 \$10,000.00 and under. The Mayor of the City of Redfield Arkansas, or his or her authorized representative, may sell or exchange any municipal supplies, materials, or equipment with a value of ten thousand (\$10,000.00) dollars or less without the solicitation of competitive bidding, provided said supplies, materials, or equipment is valued at less than ten thousand (\$10,000.00) dollars and the Mayor, or his or her authorized representative, certifies in writing to the City Council that to the best of their knowledge and belief the said supplies, materials, or equipment be of a value less than ten thousand (\$10,000.00) dollars. (Ord. No. 2015-4, Sec. 1.)

3.04.02 Council approval The Mayor of the City of Redfield Arkansas, or his or her authorized representative, must notify and receive authorization from the City Council prior to the selling of said supplies, materials, or equipment valued less than ten thousand (\$10,000.00) dollars. (Ord. No. 2015-4, Sec. 1.)

3.04.03 Over \$10,000.00 No item or lot of supplies, material, or equipment that is to be disposed of as one (1) unit shall be sold without competitive bidding if the amount exceeds ten thousand dollars (\$10,000), unless the mayor, or his or her authorized representative, shall certify in writing to the governing body that, in his or her opinion, the fair market value of the item or lot is less than ten thousand (\$10,000.00) dollars. (Ord. No. 2015-4, Sec. 1.)

3.04.04 Obsolete items If any supplies, materials, equipment, or personal property belonging to the City of Redfield becomes obsolete or is no longer used and is not sold under Section 3.04.01, it may be:

- (A) Sold at public auction;
- (B) Sent to the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration; or
- (C) Transferred to another governmental entity within the state. (Ord. No. 2015-4, Sec. 1.)

3.04.05 Other disposal If an item is not disposed of under Section 3.04.01, 3.4.2, 3.04.03, or 3.04.04, the item may be disposed of in a landfill used by the municipality, if the mayor, or his or her authorized representative, certifies in writing and the governing body of the municipality approves that it has:

- (A) Been rendered worthless by damage or prolonged use; or
- (B) Only has a residual value; and
- (C) has been through public auction and/or has not been sold.
- (D) (1) a record shall be maintained by the Mayor of all items disposed of and reported to the City Council and the Recorder/Treasurer.
- (2) The municipal fixed asset listing of the City of Redfield shall be amended to reflect all disposal of property made under Title 3. (Ord. No. 2015-5, Sec. 1.)

CHAPTER 3.08

OFFICIALS CONDUCTING BUSINESS WITH CITY

Sections:

- | | |
|---------|-----------------------------------|
| 3.08.01 | Mayor and Aldermen |
| 3.08.02 | Specific purchases and contracts |
| 3.08.03 | Purchases and Contracts Generally |

3.08.01 Mayor and aldermen The Mayor or Aldermen may conduct business with the city as authorized by Act 485 of 1981, under the following conditions:

- A. The purchase is under Two Thousand Dollars (\$2,000.00) in value and comparable merchandise or equipment at comparable prices is not otherwise available within the city.
- B. The cost of the service is under Two Thousand Dollars (\$2,000.00) in value and comparable services at comparable prices are not otherwise available within the city.
- C. The cost of the labor is under the going rate in the community. (Ord. No. 83-9, Sec. 1.)

3.08.02 Specific purchases and contracts The governing body of a city of Redfield Arkansas may purchase the following commodities without soliciting bids:

- (1) Motor fuels, oil, asphalt, asphalt oil, and natural gas; and
- (2) New motor vehicles from a motor vehicle dealer licensed under the Arkansas Motor Vehicle Commission Act, § 23-112-101 et seq. the motor vehicle is purchased for an amount not to exceed the fleet price awarded by the Office of State Procurement and in effect at the time the City submits the purchase order for the same make and model motor vehicle.
- (3) Law Enforcement or Fire Fighting vehicles. (Ord. No. 2015-5, Sec. 3.)

3.08.03 Purchases and Contracts Generally

- A. The Mayor of the City of Redfield or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city and to make all necessary contracts for work or labor to be done or material or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature in the city.
- B. The Mayor of the City of Redfield Arkansas, or his or her authorized representative, must notify and receive authorization from the City Council prior to the expenditure for any purpose or contract that exceeds the sum of \$2,000.00. (Ord. No. 2015-5, Sec. 3.)

CHAPTER 3.12

SALES TAX

Sections:

- 3.12.01 Levied
- 3.12.02 Single transaction

3.12.01 Levied

- A. Under the authority of the authorizing legislation, there is hereby levied a one-half of one percent (.5%) tax on the gross receipts from the sale at retail for sixty (60) months within the city of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101 et seq.) at a rate of one-half of one percent (.5%) of the sale price of the property, or in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax". The Sales and Use Tax shall be levied and collected with the revenue to be used for city parks. (Ord. No. 2010-2, Sec. 1.)

- B. Under the authority of the authorizing legislation, there is hereby levied a one-half percent ($\frac{1}{2}\%$) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101 et seq.) at a rate of one-half percent ($\frac{1}{2}\%$) of the sale price of the property, or in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax". The Sales and Use Tax shall be levied and collected with the revenue to be used for city streets. (Ord. No. 2008-9, Sec. 1.)

3.12.02 Single transaction

Single transaction is defined according to the nature of the goods as any sale of tangible personal property or a taxable service reflected on a single invoice, receipt, or statement for which an aggregate sales or use tax amount has been reported and remitted to the state for a single local taxing jurisdiction. (Ord. No. 2008-4, Sec. 7.)

CHAPTER 3.16

FIXED ASSETS

Sections:

3.16.01 Fixed assets

3.16.01 Fixed assets

- A. All fixed assets shall be listed and categorized if they have a dollar amount value greater than Five Hundred Dollars (\$500.00) and a useful life of one (1) year or more.
- B. The listing shall be totaled by category with a total for all categories.
- C. The categories of fixed assets shall include the major types, such as land, buildings, motor vehicles (by department), equipment (by department), and other assets.
- D. The list shall contain as a minimum, the property item number, a brief description, serial number (if available), date of acquisition, and cost of property. (Ord. No. 2013-1, Secs. 1-4.)

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 Licenses

CHAPTER 4.04

ELECTRIC FRANCHISE

Sections:

4.04.01 Franchise tax

4.04.01 Franchise tax There is hereby levied an annual occupation (license, franchise, or other special city) tax to be paid by Entergy for the year 1984 and future years until changed by ordinance, the amount of which tax shall be 4.25% of gross revenues collected each year by said Company for electrical consumption from domestic, commercial, and industrial customers located within said city. Said city shall be paid upon completion of quarterly computations of current gross revenues each annual quarter. The amount of said tax, together with the cost of billing, collecting and remitting same, shall be passed on by the Electric Company to said domestic, commercial, and industrial customers, within the corporate limits of said city, as a per cent of monthly gross billings, in proportion to the amount of electricity used by said customers. (Ord. No. 83-11, Sec. 1.)

CHAPTER 4.08

GAS FRANCHISE

Sections:

4.08.01 Franchise tax

4.08.01 Franchise tax There is hereby levied an annual occupation (license, franchise, or other special city) tax to be paid by Centerpoint Energy for the year 1985 and future years until changed by ordinance, the amount of which tax shall be 4.25% of gross revenues collected each year by said Company for the gas service for domestic, commercial, and industrial customers located within said city. Said city shall be paid upon completion of quarterly computations of current gross revenues each annual quarter. The amount of said tax, together with the cost of billing, collecting and remitting same, shall be passed on by the Gas Company to said domestic, commercial, and industrial customers, within the corporate limits of said city, as a per cent of monthly gross billings, in proportion to the amount of gas service used by said customers. (Ord. No. 85-3, Sec. 1.)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

4.12.01 Authority granted

4.12.02 Franchise tax

4.12.01 Authority granted

- A. CenturyTel (hereinafter sometimes referred to as the Telephone Company) is duly authorized by franchise ordinance heretofore enacted to operate a telephone system and appurtenances thereto, for the rendition of telephone service to Redfield, Arkansas, and to the citizens thereof.
- B. Said Telephone Company is now or will be occupying the streets and alleys of said city for the purpose of supplying telephone service to said city and its citizens.
- C. The city is entitled to receive such just and reasonable taxes from the Telephone Company which the city may lawfully impose. (Ord. No. 85-2.)

4.12.02 Franchise tax There is hereby levied an annual occupation (license, franchise, or other special city) tax to be paid by CenturyTel for the year 1985 and future years until changed by ordinance, the amount of which tax shall be 4.25% of gross revenues collected each year by said Company for the telephone service for domestic, commercial, and industrial customers located within said city. Said city shall be paid upon completion of quarterly computations of current gross revenues each annual quarter. The amount of said tax, together with the cost of billing, collecting and remitting same, shall be passed on by the Telephone Company to said domestic, commercial, and industrial customers, within the corporate limits of said city, as a per cent of monthly gross billings, in proportion to the amount of telephone service used by said customers. (Ord. No. 85-2, Sec. 1.)

CHAPTER 4.16

CABLE TELEVISION FRANCHISE

Sections:

4.16.01	Definitions
4.16.02	Grant of franchise
4.16.03	Standards of service
4.16.04	Regulation by Franchising Authority
4.16.05	Compliance and monitoring
4.16.06	Insurance, indemnification, and bonds or other surety
4.16.07	Enforcement and termination of franchise
4.16.08	Unauthorized reception
4.16.09	Miscellaneous provisions

4.16.01 Definitions For the purpose of this ordinance (the "Ordinance"), the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense; words in plural number include the singular number, and words in the singular number include the plural number:

Affiliate means an entity which owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

Basic cable means the tier of cable service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.

Cable service means

- A. The one-way transmission to subscribers of video programming or other programming service, and

- B. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

Cable system means a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment or other equipment that is designed to provide cable service or other service to subscribers.

FCC means Federal Communications Commission, or successor governmental entity thereto.

Franchise means the initial authorization, or renewal thereof, issued by Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the cable system for the purpose of offering cable service or other service to subscribers.

Franchising Authority means the city of Redfield (Whitehall), Arkansas or the lawful successor, transferee, or assignee thereof.

Grantee means Friendship Cable of Arkansas d/b/a Suddenlink Communications, or the lawful successor, transferee, or assignee thereof.

Gross revenues means the monthly revenues for the provision of cable service received by Grantee directly from subscribers located within the service area. **Gross revenues** does not include:

- A. Any revenues received from any advertising carried on the cable system;
- B. Any tax, fee, or assessment of any kind imposed by Franchising Authority or other governmental entity on a cable operator, or subscriber, or both, solely because of their status as such;
- C. Any revenues derived from services sold on a per channel or per view basis;
- D. Any revenues derived from installation or repair charges; or
- E. Any revenues received from home shopping.

Person means an individual, partnership, association, joint stock company, trust corporation, or governmental entity.

Public way means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any

temporary or permanent fixtures or improvements located thereon now or hereafter held by Franchising Authority in the service area which shall entitle Franchising Authority and Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the cable system. **Public way** also means any easement now or hereafter held by Franchising Authority within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Franchising Authority and Grantee to the use thereof for the purposes of installing or transmitting Grantee's cable service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliance, attachments, and other related property or equipment as may be necessary or appurtenant to the cable system.

Service area means the present municipal boundaries of Franchising Authority if Franchising Authority is a city, and shall include any additions thereto by annexation or other legal means, and means the county boundaries of Franchising Authority if Franchising Authority is a county.

Subscriber means a user of the cable system who lawfully receives cable service or other service therefrom with Grantee's express permission.

Video programming means programming provided by, or generally considered comparable to programming provided by, a television broadcast station. (Ord. No. 2008-7, Sec. 1.)

4.16.02 Grant of franchise

Grant Franchising Authority hereby grants to Grantee a non-exclusive franchise which authorizes Grantee to construct and operate a cable system and offer cable service and other service in, along, among, upon, across, above, over, under or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, across, or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the cable system. (Ord. No. 2008-7, Sec. 2.1)

Term The franchise granted pursuant to this ordinance shall be for an initial term of seven (7) years from the passed and adopted date of the franchise unless otherwise lawfully terminated in accordance with the terms of this ordinance. (Ord. No. 2008-7, Sec. 2.2)

Acceptance Grantee shall accept the franchise granted pursuant hereto by signing this ordinance and filing same with the City Clerk or other appropriate official or agency of Franchising Authority within sixty (60) days after the passage and final adoption of this ordinance. (Ord. No. 2008-7, Sec. 2.3)

Favored nations In the event Franchising Authority enters into a franchise, permit, license, authorization, or other agreement of any kind with any person other than Grantee to enter into Franchising Authority's streets and public ways for the purpose of constructing or operating a cable system or providing cable service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law. (Ord. No. 2008-7, Sec. 2.4)

Renewal of franchise By mutual consent, the Grantee shall have the option to renew this franchise for an additional period not to exceed ten (10) years. Should Grantee desire to exercise this option, it shall so notify the Franchising Authority in writing, not less than three (3) months prior to expiration of this franchise. (Ord. No. 2008-7, Sec. 2.5)

4.16.03 Standards of service

Conditions of street occupancy All transmission and distribution structures, poles, other lines, and equipment installed or erected by Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways. (Ord. No. 2008-7, Sec. 3.1)

Restoration of public ways If during the course of Grantee's construction, operation, or maintenance of the cable system there occurs a disturbance of any public way by Grantee, it shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance. (Ord. No. 2008-7, Sec. 3.2)

Relocation at request of Franchising Authority Upon receipt of reasonable advance notice, not to be less than thirty (30) days, Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way, or remove from the public way, any property of Grantee when lawfully required by Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by Franchising Authority, but, Grantee shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street, easement, or right-of-way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to Grantee. (Ord. No. 2008-7, Sec. 3.3)

Relocation at request of third party Grantee shall, on the request of any person holding a building moving permit issued by Franchising Authority, temporarily raise or lower its wires to permit the moving of such building, provided:

- A. The expense of such temporary raising or lowering of wires is paid by such person, including, if required by Grantee, making such payment in advance; and
- B. Grantee is given not fewer than ten (10) business days advance written notice to arrange for such temporary wire changes. (Ord. No. 2008-7, Sec. 3.4)

Trimming of trees and shrubbery Grantee shall have the authority to trim trees or other natural growth overhanging any of its cable system in the service area so as to prevent branches from coming in contact with Grantee's wires, cables, or other equipment. Grantee shall be permitted to charge persons who own, or are responsible for, such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities of Franchising Authority for tree trimming. Grantee shall reasonably compensate Franchising Authority or property owner for any damages caused by such trimming, or shall, in its sole discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the system undertaken by Grantee. Such replacement shall satisfy and any all obligations Grantee may have to Franchising Authority or property owner pursuant to the terms of this section. (Ord. No. 2008-7, Sec. 3.5.)

Safety requirements Construction, installation, and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state, and local regulations. The cable system shall not unreasonably endanger or interfere with the safety of persons or property in the service area. (Ord. No. 2008-7, Sec. 3.6)

Aerial and underground construction In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, Grantee likewise shall construct, operate, and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Grantee's cable and other equipment without technical degradation of the cable system's signal quality. In those areas of the service area where the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are both aerial and underground, Grantee shall have the sole discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing contained in this Section 3.7 shall require Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment. Notwithstanding anything to the contrary contained in this Section 3.7 in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of this ordinance, Grantee shall only be required to construct, operate, and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities' facilities at the time that such are placed underground. (Ord. No. 2008-7, Sec. 3.7.)

Required extensions of service The cable system, as constructed as of the date of the passage and final adoption of this ordinance, substantially complies with the material provisions hereof. Grantee is hereby authorized to extend the cable system as necessary, as desirable, or as required pursuant to the terms hereof within the service area. Whenever Grantee shall receive a request for service from at least fifteen (15) subscribers within 1320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to such subscribers for system extension, other than the usual connection fees for all subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition, or market development of the cable system, or as provided for under Section 3.9 of this ordinance. (Ord. No. 2008-7, Sec. 3.8)

Subscriber charges for extensions of service No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate his cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscribers, or a density of fewer than fifteen (15) subscribers per 1320 cable-bearing strand feet of trunk or distribution cable, cable service or other service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor, and easements. Potential subscribers shall bear the costs of the construction and other costs on a *pro rata* basis. Grantee may require payment in advance of the capital contribution in aid of construction borne by such potential subscribers. (Ord. No. 2008-7, Sec. 3.9)

Service to public buildings Grantee shall provide without charge one (1) outlet of basic cable to Franchising Authority's office building(s) and public school building(s) that are passed by its cable system. The outlets of basic cable shall not be used to distribute or sell cable service in or throughout such buildings, nor shall such outlets be located in common or public areas open to the public. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including, but not limited to, those arising from copyright liability. Notwithstanding anything to the contrary set forth in this Section 3.10, Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to such buildings or premises exceeds one hundred fifty (150) cable feet, unless it is technically feasible and it will not adversely affect the operation, financial condition, or market development of the cable system to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of basic cable are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials. Upon request of Grantee, the building owner may also be required to pay the service fees associated with the provision of basic cable and the additional outlets relating thereto. (Ord. No. 2008-7, Sec. 3.10.)

4.16.04 Regulation by Franchising Authority

Franchise fee

- A. Grantee shall pay to Franchising Authority a franchise fee equal to four percent (4%) of gross revenues from the provision of cable services within the franchise area received by Grantee on a quarterly basis; provided, however, that Grantee may credit against any such payments:
1. Any tax, fee, or assessment of any kind imposed by Franchising Authority or other governmental entity on a cable operator, or subscriber, or both, solely because of their status as such;
 2. Any tax, fee or assessment of general applicability which is unduly discriminatory against cable operators or subscribers (including any such tax, fee, or assessment imposed, both on utilities and cable operators and their services), and
 3. Any other special tax, assessment, or fee such as a business, occupation, and entertainment tax.

For the purpose of this section, the three (3) month period applicable under the franchise for the computation of the franchise fee shall be a calendar quarter, unless otherwise agreed to in writing by Franchising Authority and Grantee. The franchise fee payment shall be due and payable sixty (60) days after the close of the preceding calendar quarter. Each payment shall be accompanied by a letter from a representative of Grantee showing the basis for the computation.

- B. The period of limitation for recovery of any franchise fee payable hereunder shall be three (3) years from the date on which payment by Grantee is due. Unless within three (3) years from and after such payment due date Franchising Authority initiates a lawsuit for recovery of franchise fees in a court of competent jurisdiction, recovery shall be barred and Franchising Authority shall be stopped from asserting any claims whatsoever against Grantee relating to alleged franchise fee deficiencies. (Ord. No. 2008-7, Sec. 4.1)

Rates and charges Franchising Authority may not regulate the rates for the provision of cable service or other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as may be authorized pursuant to federal and state law. From time to time, and at any time, Grantee has the right to modify its rates and charges, at its discretion and without consent of Franchising Authority, including, but not limited to, the implementation of additional charges and rates; provided, however, that Grantee shall give notice to Franchising Authority of any such modifications or additional charges thirty (30) days prior to the effective date thereof. (Ord. No. 2008-7, Sec. 4.2)

Condition of sale Except to the extent expressly required by federal or state law, if a renewal or extension of the franchise is denied or the franchise is lawfully terminated, and Franchising Authority either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another party, any such acquisition or transfer shall be at a fair market value, determined on the basis of the cable system valued as a going concern.

Grantee and Franchising Authority agree that in the case of a lawful revocation of the franchise, at Grantee's request, which shall be made in its sole discretion, Grantee shall be given a reasonable opportunity to effectuate a transfer of its cable system to a qualified third party. Franchising Authority further agrees that during such a period of time, it shall authorize Grantee to continue to operate pursuant to the terms of its prior franchise; however, in no event shall such authorization exceed a period of time greater than six (6) months from the effective date of such revocation. If, at the end of that time, Grantee is unsuccessful in procuring a qualified transferee or assignee of its cable system which is reasonably acceptable to Franchising Authority, Grantee and Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law, it being further agreed that Grantee's continued operation of its cable system during the six (6) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either Franchising Authority or Grantee. Notwithstanding anything to the contrary set forth in this Section 4.4, neither Franchising Authority nor Grantee shall be required to violate federal or state law. (Ord. No. 2008-7, Sec. 4.3)

Transfer of franchise All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the Franchising Authority and the successors and assigns of Grantee; and the same shall not be assigned or transferred without the written approval of the City Council, which approval shall not be unreasonably withheld; provided, however, that this section shall not prevent the assignment or hypothecation of the franchise by Grantee as security for debt without such approval; and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at least fifty percent (50%) of the beneficial ownership is held by the same person, persons, or entities which are controlled or managed by the same person, persons, or entities, shall be permitted without the prior approval of the Franchising Authority (intra-company transfers). Grantee shall notify Franchising Authority in writing within thirty (30) days of the closing of such intra-company transfer. (Ord. No. 2008-7, Sec. 4.4)

4.16.05 Compliance and monitoring

Books and records Grantee agrees that Franchising Authority may review such of Grantee's books and records, during normal business hours and on a non-disruptive basis, as are reasonably necessary to monitor compliance with the terms hereof. Such records include, but are not limited to, any public records required to be kept by Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or

confidential in nature. Franchising Authority agrees to treat any information disclosed to it by Grantee as confidential, and to disclose it only to employees, representative, and agents of Franchising Authority that have a need to know, or in order to enforce the provision hereof. (Ord. No. 2008-7, Sec. 5.1)

4.16.06 Insurance, indemnification, and bonds or other surety

Insurance requirements Grantee shall maintain in full force and effect during the term of the franchise, at its own cost and expense, comprehensive general liability insurance in the amount of \$1,000,000. Such insurance shall designate Franchising Authority as an additional insured. (Ord. No. 2008-7, Sec. 6.1)

Indemnification Grantee agrees to indemnify, save and hold harmless, and defend Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of Grantee's construction, operation or maintenance of its cable system, including, but not limited to, reasonable attorneys' fees and costs. (Ord. No. 2008-7, Sec. 6.2)

Bonds and other surety Except as expressly provided herein, Grantee shall not be required to obtain or maintain bonds or other surety as a condition of being awarded the franchise or continuing its existence. Franchising Authority acknowledges that the legal, financial, and technical qualifications of Grantee are sufficient to afford compliance with the terms of the franchise and the enforcement thereof. Grantee and Franchising Authority recognize that the costs associated with bonds and other surety may ultimately be borne by the subscribers in the form of increased rates for cable service or other service. In order to minimize such costs, Franchising Authority agrees to require bonds and other surety only in such amounts and during such times as there is a reasonably demonstrated need therefore. Franchising Authority agrees that in no event, however, shall it require a bond or other related surety in an aggregate amount greater than Ten Thousand Dollars (\$10,000.00), conditioned upon the substantial performance of the material terms, covenants, and conditions of the franchise. Initially, no bond or other surety shall be required. In the event that one is required in the future, Franchising Authority agrees to give Grantee at least sixty (60) days prior written notice thereof stating the exact reason for the requirement. Such reason must demonstrate a change in Grantee's legal, financial, or technical qualifications which would materially prohibit or impair its ability to comply with the terms of the franchise or afford compliance therewith. (Ord. No. 2008-7, Sec. 6.3)

4.16.07 Enforcement and termination of franchise

Notice of violation In the event that Franchising Authority believes that Grantee has not complied with the terms of the franchise, it shall notify Grantee in writing of the exact nature of the alleged default. (Ord. No. 2008-7, Sec. 7.1)

Grantee's right to cure or respond Grantee shall have sixty (60) days from receipt of the notice described in section 7.1:

- A. To respond to Franchising Authority contesting the assertion of default;
- B. To cure such default; or
- C. In the event that, by the nature of the default, such default cannot be cured within the sixty (60) day period, to initiate reasonable steps to remedy such default and to notify Franchising Authority of the steps being taken and the projected date that they will be completed. (Ord. No. 2008-7, Sec. 7.2)

Public hearing In the event that Grantee fails to respond to the notice described in Section 7.1 pursuant to the procedures set forth in Section 7.2 or in the event that the alleged default is not remedied within one hundred twenty (120) days after Grantee is notified of the alleged default pursuant to Section 7.1, Franchising Authority shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of Franchising Authority which is scheduled at a time which is no fewer than five (5) business days therefrom. Franchising Authority shall notify Grantee of the time and place of such meeting and provide Grantee with an opportunity to be heard. (Ord. No. 2008-7, Sec. 7.3)

Enforcement Subject to applicable federal and state law, in the event Franchising Authority determines, after such meeting, that Grantee is in default of any provision of the franchise, Franchising Authority may:

- A. Foreclose on all or any part of any security provided under the franchise, if any, including, without limitation, any bond or other surety; provided, however, that the foreclosure shall only be in such a manner and in such amount as Franchising Authority reasonably determines is necessary to remedy the default;
- B. Commence an action at law for monetary damages or seek other equitable relief;
- C. In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked; or
- D. Seek specific performance of any provision which reasonably lends itself to such remedy, as an alternative to damages.

Grantee shall not be relieved of any of its obligations to comply promptly with any provision of the franchise by reason of any failure of Franchising Authority to enforce prompt compliance. (Ord. No. 2008-7, Sec. 7.4)

Acts of God Grantee shall not be held in default of the provisions of the franchise, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control. (Ord. No. 2008-7, Sec. 7.5)

4.16.08 Unauthorized reception

Misdemeanor In addition to those criminal and civil remedies provided by state and federal law, it shall be a misdemeanor for any person to create or make use of any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of the cable system without the express consent of Grantee. Further, without the express consent of Grantee, it shall be a misdemeanor for any person to tamper with, remove or injure any property, equipment, or part of the cable system or any means of receiving cable service or other service. Subject to applicable federal and state law, Franchising Authority shall incorporate into its criminal code if not presently a part thereof, criminal misdemeanor law which shall enforce the intent of the Section 8.1. (Ord. No. 2008-7, Sec. 8.1.)

4.16.09 Miscellaneous provisions

Preemption If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by Franchising Authority, the jurisdiction of Franchising Authority shall cease and no longer exist. (Ord. No. 2008-7, Sec. 9.1.)

Employment requirements Grantee shall afford equal opportunity in employment to all qualified persons. No person shall be discriminated against in employment because of race, color, religion, national origin or sex. Grantee shall maintain and carry out a continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policies and practices. (Ord. No. 2008-7, Sec. 9.2.)

Actions of Franchising Authority In any action by Franchising Authority or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld. (Ord. No. 2008-7, Sec. 9.3)

Notice Unless expressly otherwise agreed between the parties, every notice or response to be served upon Franchising Authority or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service. (Ord. No. 2008-7, Sec. 9.4)

CHAPTER 4.20

OCCUPATIONAL LICENSES

Sections:

4.20.01	License issued
4.20.02	Multiple licenses
4.20.03	License for one year
4.20.04	Unlawful
4.20.05	Fine
4.20.06	Penalties
4.20.07	Occupations not covered
4.20.08	Occupational tax
4.20.09	Exclusions

4.20.01 License issued It shall be the duty of the City Clerk, upon receipt of the amount of the occupation tax provided herein, to issue a license for every person, firm, or corporation liable to pay such tax, and to state in each license issued the amount thereof, the period of time covered thereby, the name of the person, firm, or corporation to whom issued, the business occupation or profession to be carried on, and in no sense shall any mistake in computing the amount of a license due prevent or prejudice the collection by the city of what shall actually be due under this ordinance. (Ord. No. 83-13, Sec. 1.)

4.20.02 Multiple licenses Any person, firm, or corporation engaging in more than one business, occupation, or profession, and for which a license is required of each, shall pay for and take out a license for each business, profession, or occupation which has the greater fee. (Ord. No. 83-13, Sec. 2.)

4.20.03 License for one year The period covered by any license paid shall be for one year. (Ord. No. 83-13, Sec. 3.)

4.20.04 Unlawful It shall be unlawful for any person, firm, or corporation, whether as principal or agent, to commence, engage in, or carry on any of the aforesaid businesses, occupations, or professions within the city of Redfield, Arkansas, without having first paid the occupation tax and procured a license therefore. (Ord. No. 83-13, Sec. 4.)

4.20.05 Fine Any person, firm, or corporation doing business in the city of Redfield without payment of the city occupation tax and without having been issued a license to transact its business, shall, upon conviction in the District Court, be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Ten Dollars (\$10.00), nor more than Five Hundred Dollars (\$500.00), and each day of violation shall constitute a separate offense. (Ord. No. 83-13, Sec. 5.)

4.20.06 Penalties The City Clerk shall collect penalties for failure to pay occupation tax as provided in this ordinance as follows:

- A. Five percent (5%) of the amount due when payment is made thirty (30) days past the due date of the license fee.
- B. Ten percent (10%) of the amount due when payment is made sixty (60) days past the due date of the license fee.
- C. Fifteen percent (15%) of the amount due when the payment is made ninety (90) days past the due date of the license fee. (Ord. No. 83-13, Sec. 6.)

4.20.07 Occupation not covered The City Clerk is hereby authorized to collect privilege taxes on businesses, occupations, or professions not included in this ordinance or covered by any city ordinance. Such taxes shall be reasonable and comparable with the privilege taxes on similar businesses, and such privilege tax shall be in the amount of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00) per year. Such privilege tax so set shall be effective until superseded by city ordinance. (Ord. No. 83-13, Sec. 7.)

4.20.08 Occupational tax From and after the effective date of this ordinance, all business, occupation or professionals, shall pay a standard rate of Seventy-Five Dollars (\$75.00) due and payable in advance on the first day of January of each year. (Ord. No. 2010-3, Sec. 1.)

4.20.09 Exclusions This ordinance does not apply to hobbies and/or part-time businesses conducted in the home. (Ord. No. 83-13, Sec. 9.)

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Littering
- 5.12 Solid Waste Collection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Lien on property

5.04.01 Unsightly or unsanitary conditions on real property Whenever the Mayor and City Council, in their discretion, consider it necessary, they are hereby empowered to order in the name and by the authority of the city of Redfield, the owner or persons occupying or in possession of any lot or lots or other real property within the city to cut weeds, remove garbage, rubbish and other unsightly and unsanitary articles and things that may be upon said property; and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place, or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community.

Said order shall be in writing and shall be issued to the owner of the real property involved or to the persons occupying or in possession of said real property.

In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a non-resident of this state, then a copy of said written notice shall be posted upon the premises in some prominent place. The City Clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of non-residence, and thereupon service by publication as now provided for by law against non-resident defendants maybe had; an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 80-2, Sec. 1.)

5.04.02 Lien on property If the owner of any lot or other real property within the city of Redfield shall neglect or refuse to remove, abate, or eliminate any condition or conditions as are provided for under 5.04.01, after having been given thirty (30) days notice in writing to do so, then the Police Chief or other authority designated by the Mayor is authorized to do whatever may be necessary to correct said condition and to charge the cost thereof to the owner or owners of said lot or other real property; and the city of Redfield shall have a lien against said property for said cost.

In fixing the cost of removing or alleviating the conditions above mentioned and doing the work mentioned in this section, the Police Chief or other authority designated by the Mayor shall keep a careful record of the cost to the city of doing said work, which shall include the number of men employed on said job, the wages paid said men, the length of time required to do the work, wear, tear and depreciation on equipment, and any other materials or supplies used. Then lien herein provided for, shall not exceed an annual amount equal to two cents (2¢) per square foot of the lot or tract of land involved. Said total amount shall then be reported to the City Clerk, who shall keep a record thereof and shall take appropriate steps to record same in the office of the Circuit Clerk for Jefferson County, Arkansas, to establish and give notice that the city of Redfield claims a lien against the property involved for the expenses incurred in connection with the correcting of the improper conditions found thereon.

The lien herein provided for may be enforced at any time within eighteen months after work has been done by an action filed in the Chancery Court.

When the total cost, as set out above, including any charges that may be made by the Circuit Clerk and recorder for recording said instrument and entering satisfaction there of record, shall have been paid, the City Clerk is hereby authorized to, and shall forthwith, satisfy and release said lien in the name of the city of Redfield. (Ord. No. 80-2, Sec. 2.)

CHAPTER 5.08

LITTERING

Sections:

5.08.01	Litter control
5.08.02	Definitions
5.08.03	Prohibited
5.08.04	Driver of vehicle
5.08.05	Covered trucks
5.08.06	Enforcement
5.08.07	Fine

5.08.01 Litter control The purpose of this ordinance is to accomplish the control of litter throughout the city of Redfield by regulating its disposal. The intent of this ordinance is to add existing litter control, removal and enforcement efforts. (Ord. No. 79-2, Sec. 1.)

5.08.02 Definitions

Commercial littering includes, but is not limited to littering done by commercial businesses and manufacturing companies of every kind;

Disposal site means any site or property where litter is discarded, dropped, or deposited by persons other than the owner or tenant in lawful possession of the property;

Litter means all waste material which has been discarded, or otherwise disposed of as herein prohibited, including but not limited to trash, garbage, cans, bottles, ashes, refuse, carcass of any dead animal, offal, of any noisome, nauseous or offensive matter. Litter does not include wastes from the primary processing of farming logging, sawmilling, mining or manufacturing, or wastes deposited in paper receptacles.

Person shall mean any person or firm, corporation or association, or his agent, or any person acting for or on behalf of him under contract or agreement;

Public place means any area that is used or held out for use by the public whether owned or operated by public or private interests; and

Vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway. (Ord. No. 79-2, Sec. 2.)

5.08.03 Prohibited It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter upon any public or private property within the corporate limits of the city of Redfield or into any river, lake, pond, or other stream or body of water within said city unless:

- A. The litter is placed into a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter provided that it is deposited in such a manner to prevent the litter from being carried away or deposited by the elements upon any part of said private or public property, or waters;
- B. The person is the owner or tenant in lawful possession of the property and the litter remains upon said property and the act does not create a public health or safety hazard, a public nuisance, or fire hazard; however, a property owner shall not be held responsible for actions of his tenant. (Ord. No. 79-2, Sec. 3.)

5.08.04 Driver of vehicle If the throwing, dumping, or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle. (Ord. No. 79-2, Sec. 4.)

5.08.05 Covered trucks It shall be unlawful for any person engaged in commercial or for-hire hauling to operate any truck or other vehicle within this city to transport litter, trash, or garbage unless said vehicle is covered to prevent its contents from blowing, dropping, or falling off or otherwise departing from the vehicle. In addition, it shall be unlawful for any person, operating his own vehicle to transport his own litter, trash or garbage to allow such litter, trash or garbage to blow, drop or fall off or otherwise depart from the vehicle. Providing no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent such material from falling or dropping from vehicle. (Ord. No. 79-2, Sec. 5.)

5.08.06 Enforcement The Police Chief and officers shall enforce this ordinance. The aforementioned officials are hereby empowered to issue citations to, or arrest, persons violating any provision of this ordinance. (Ord. No. 79-2, Sec. 6.)

5.08.07 Fine Every person convicted of a violation of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00).

Those persons who violate this ordinance and who are found to have committed the prohibited acts in furtherance of or as a part of a commercial enterprise, whether or not that enterprise is the disposal of wastes, shall be guilty of "commercial littering" and as such shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) (Ord. No. 79-2, Sec. 7.)

CHAPTER 5.12

SOLID WASTE COLLECTION

Sections:

- 5.12.01 Mayor's authority
- 5.12.02 Rates

5.12.01 Mayor's authority The Mayor shall be, and is hereby authorized and directed to effectuate after due notice, such fee schedule changes as may be necessary to insure that proceeds collected shall be sufficient to fund all costs associated with sanitation collection and disposal services. (Ord. No. 91-2, Sec. 1.)

5.12.02 Rates For collection services for the city required to be performed by Waste Management of Arkansas pursuant to Section 3.01(a), the charges shall be increased to \$13.50 per month per residential unit. (Ord. No. 95-13, Sec. 1.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs
- 6.08 Other Animals and Fowl

CHAPTER 6.04

DOGS

Sections:

- 6.04.01 Definitions
- 6.04.02 Vaccination
- 6.04.03 Rabies clinic
- 6.04.04 Restraint
- 6.04.05 Confinement/proper shelter
- 6.04.06 Impounding and destroying of dogs
- 6.04.07 Reclaiming dogs; fees
- 6.04.08 Animals suspected rabid
- 6.04.09 Inspection and confinement of animals
- 6.04.10 Adoption of animals
- 6.04.11 Nuisance animal
- 6.04.12 Proper pet care
- 6.04.13 Protection of animals from cruelty
- 6.04.14 Abandonment
- 6.04.15 Notice of violations; arrest
- 6.04.16 Fines
- 6.04.17 Enforcement
- 6.04.18 Vicious dogs
- 6.04.19 Number of dogs

6.04.01 Definitions The following words and phrases for purpose of this ordinance have the following meanings:

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

Owner Every person, firm, partnership or corporation owning, keeping, or harboring an animal within the corporate limits of the city of Redfield, Arkansas.

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

Vaccination An injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian or agent of the County Health Department.

Rabies clinic The engagement of a licensed veterinarian by the agent of the city of Redfield, Arkansas, to administer vaccine for rabies.

Vicious animal Any animal that constitutes a physical threat to human beings or other animals, or has a disposition or propensity to attack or bite any person or other animal without provocation, or which, due to size, vicious nature or other characteristics, constitutes a danger to human life, physical well-being, or property; or any animal which has been known to bite or attack a human being or other domestic animals, without provocation, one (1) or more times.

Animal containment Any premises designated by action of the city of Redfield for the purpose of impounding and caring for the animals found running at large in violation of this ordinance.

Agent The Animal Control Officer for the city of Redfield and the Chief of Police are responsible for the coordination of all Animal Control operations within the corporate limits of the city.

Pet shop An establishment which offers for sale live animals with the intent that they be kept as pets, or for purposes of exhibition or viewing by visitors. (Ord. No. 2014-3, Sec. 1.)

6.04.02 Vaccination It shall be unlawful for any owner to allow a dog to run at large or to keep or harbor a dog three (3) months of age or older, within the corporate limits of the city of Redfield, that does not bear a tag certifying that said dog has been vaccinated for rabies within the year next proceeding. Every dog covered by this ordinance, must have and wear a collar of such type that the vaccination tag may be firmly attached to said collar. Such tag, when issued, shall at all times be securely attached to the dog's collar or harness, and failure to keep such tag on the dog's collar/harness, shall be unlawful. (Ord. No. 2014-3, Sec. 2.)

6.04.03 Rabies clinic The city of Redfield shall sponsor an annual rabies clinic for the vaccination and annual shots of dogs. The said clinic is for the convenience of the citizens of Redfield and shall in no way be construed as being mandatory. The city of Redfield shall

provide a licensed veterinarian in the corporate limits of the city for one (1) day each year between January 1 and December 31 for the purpose of vaccinating dogs for those residents who desire the services of the licensed veterinarian so engaged by the city. The cost of vaccination shall be borne by the owner of the dog receiving the vaccination. (Ord. No. 2014-3, Sec. 3.)

6.04.04 Restraint All dogs must be kept under restraint at all times, even though they have rabies vaccination. Every dog in heat must be properly confined. (Ord. No. 2014-3, Sec. 4.)

6.04.05 Confinement/proper shelter No dog shall be chained or staked to a fixed point. Dogs may not be tethered to a stationary object for extended periods of time. Dogs shall be kept in an enclosure or by trolley system, so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments, exercise, and access to clean water, food, and shelter. The area where any animal is confined must provide proper and adequate drainage.

Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

- A. Only one (1) dog may be tethered to each cable run.
- B. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
- C. There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
- D. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Services Officer, considering the age, size and health of the dog.
- E. The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
- F. The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over

an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals. The tether should also prevent dogs from reaching an object of hazard such as a public road or edge of a pool.

- G. All restrained dogs must have constant clean drinking water available, access to proper nutrition, adequate space for exercise, and proper medical care.

All animals, excluding livestock, must be provided with appropriate shelter and a safe, non-injurious environment, as per Federal Animal Welfare Act Guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allow the animal to stand, stretch, turn around, and lie down freely. The shelters, enclosures, and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury.

Any dog that resides outdoors must also have adequate shelter to give necessary and needed protection from the weather/temperature/elements, including but not limited to, severe weather such as heat, cold, wind, rain, snow, sleet or hail, that poses a risk to the health or safety of a dog based on breed, age or physical condition. It must be a shelter which provides protection from the weather which includes four (4) sides with opening, roof, and floor. There shall be at least one hundred (100) square feet in either pen or yard for each dog over six (6) months of age kept therein. (Ord. No. 2014-3, Sec. 5.)

6.04.06 Impounding and destroying of dogs The agent of the city of Redfield shall take into custody any dog found at large in the city of Redfield. The agent of city of Redfield then has 10 calendar days to attempt locating the owners of said dog(s). During the first 10 calendar days of impoundment, the agent of the city of Redfield shall make diligent effort to determine the owner of such dog and notify them of such impoundment. If the owner of such dog refuses to reclaim such dog as prescribed herein, at the end of 10 calendar days of such impoundment, or the owner cannot be located, the dog will then become property of the city of Redfield. Following the 10 calendar day hold, and owner does not reclaim said dog or owner cannot be found, the said dog will be evaluated by an agent of the city of Redfield. If the said dog is deemed unadaptable based on temperament evaluation criteria, said dog may be humanely euthanized at any time on or after the 11th day. If the said dog is deemed adoptable, the agents of the city of Redfield will have 90 calendar days to attempt to place the dog in a foster home or to be adopted. If a dog is not placed within 100 calendar days of the first day being picked up by the agent, the dog will be humanely euthanized. However, the agent of the city of Redfield will have discretion to keep the dog past the 100 days based on the current impound population if adoption is still deemed possible. (Ord. No. 2016-1, Sec. 1.)

6.04.07 Reclaiming dogs; fees Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and retrieve such dog from the agents of the city of Redfield, by payment of the costs and fees set forth below. The agent of the City of Redfield has authority to waive the fees for a first offense. The fees for permitting an animal to run loose will be as follows:

First offense:	\$25.00 per animal; plus, pound fee of \$7.00 per day per dog, as well as payment for any outstanding vet bills incurred during impoundment.
Second offense:	\$40.00 per animal; plus, pound fee of \$7.00 per day per dog, as well as payment for any outstanding vet bills incurred during impoundment.
Third offense:	\$65.00 per animal; plus, pound fee of \$7.00 per day per dog, as well as payment for any outstanding vet bills incurred during impoundment.
Fourth offense:	Will require a mandatory court appearance. Upon conviction, punishment will not be less than \$200.00 plus court costs.

If an animal at large causes damage to another person's property, in addition to the fees set forth above, the owner may be required to pay restitution to the person whose property was damaged.

An offense will be considered a subsequent numbered offense if it occurs within thirty-six (36) months of the prior offense. Fees may be paid to the City Recorder I Treasurer.

The dog must have been vaccinated within the year next proceeding such impounding, and must be currently tagged as required by the law. Proof of the animal's vaccination will be required of the owner. The owner shall have ten (10) business days from the date the dog is reclaimed to provide proof of vaccination. If proof is not timely supplied to the agent of the city of Redfield, the owner will be issued a citation for failure to comply will be issued and a fine of Fifty dollars (\$50.00) plus court costs will be imposed. (Ord. No. 2016-1, Sec. 1.)

6.04.08 Animals suspected rabid Any animal having rabies, or symptoms thereof, or suspected of having rabies, or which had been exposed to rabies shall immediately released by the owner to a veterinary hospital, at the expense of the owner for a period of ten (10) days or for a longer period of time if in the opinion of the veterinarian. (Ord. No. 2014-3, Sec. 8.)

6.04.09 Inspection and confinement of animals When a dog has bitten or attacked a person, that person or anyone having knowledge of such incident shall immediately notify the agent for the city of Redfield, and such dog shall be confined in a veterinary hospital, at the expense of the owner, for a period of ten (10) days, or shall be immediately and securely confined by the owner for a period of ten (10) days in such a place that no person or animal may be bitten by it and such dog shall be subject to inspection by a veterinarian during such period. (Ord. No. 2014-3, Sec. 9.)

6.04.10 Adoption of animals Any animal unwanted or unclaimed by owner may be adopted. All potential adopters must fill out accepted adoption application and be properly screened. The agents of the city of Redfield have the right to use outside volunteers and groups to assist in the adopting of pets and in the screening of potential adopters. The agents of the city of Redfield and any volunteers processing applications and conducting screenings reserve the right to deny any person the ability to adopt a pet from the city impound.

Adoption fees will be based on the amount of money that has been invested into the animals. This includes such things as: spay/neuter; annual shots; vaccines; medical care. The agents of Redfield will allow said volunteer group the ability to charge an adoption fee to be paid directly to them if they have paid for things such as: spay/neuter; annual shots; vaccines; medical care, etc. for the animal. (Ord. No. 2014-3, Sec. 10.)

6.04.11 Nuisance animal No person shall allow any dog, unprovoked, to bark, bay, cry, or howl continuously to the disturbance of any person who may reside within reasonable proximity of the place where such dog is kept at any time of the day or night. (Ord. No. 2014-3, Sec. 12.)

6.04.12 Proper pet care Animals must be properly cared for at all times.

- A. No animal shall be improperly confined as set forth in 6.04.05.
- B. All animals must have proper access to clean drinking water in sufficient quantities, proper food/nutrition, proper air, proper exercise, adequate shelter which properly protects from weather as set forth in 6.04.05, and proper veterinary care.
- C. It shall be unlawful to allow animals on premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.
- D. No person shall confine any animal in a parked vehicle if the outside air temperature is higher than 70° or below 30° Fahrenheit, unless the vehicle is running and the air conditioner/heater is working properly. Agents of the city of Redfield shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and wellbeing.
- E. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and/or humans. (Ord. No. 2014-3, Sec. 12.)

6.04.13 Protection of animals from cruelty The agent of the city of Redfield shall enforce laws governing humane treatment of animals, including ordinances set out in 6.04.05 and 6.04.12. If necessary, animals may be removed from unsafe or unhealthy conditions and legal action taken against negligent and/or abusive owners. Any agent of the city of Redfield may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, including but not limited to, improper confinement and all set out in 6.04.05 and 6.04.12, and demand to examine such animal and to take possession of such animal when in their opinion, it requires humane treatment. (Ord. No. 2014-3, Sec. 13.)

6.04.14 Abandonment It shall be unlawful, for any person, firm, or corporation to abandon any dog, or other animal within the corporate limits of the city of Redfield. (Ord. No. 2014-3, Sec. 14.)

6.04.15 Notice of violations; arrest The agent of the city of Redfield is authorized, for violation of any portion of this ordinance to give the offender a notice to appear in court of the city of Redfield, Arkansas. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation and be signed by the person having knowledge of such violation.

The notice shall contain a printed statement in which the violator promises to appear in court, without issuance of any warrant or other process and which statement is to be signed by the violator. Upon failure to sign the agreement to appear, the agent of the city of Redfield shall swear out a complaint and the usual procedure upon the filing of complaints with the court shall govern the arrest and trial of the violator.

A dog owner shall pay remuneration, and fines, if found guilty of negligence in a court of law, when his/her dog's being at large, and out of the owner's control, trespasses upon another's property, and injures, or kills an animal, or animals belonging to that person(s) whose animal(s) were contained to their property. The dog owner shall be placed on probation for the period of one (1) year, during which time should any further violations occur, the dog can be removed from the custody of the owner. The dog shall be evaluated by qualified personnel, and either placed into a responsible home, or humanely euthanized. Any dog owner by whose violations has caused his/her dog to be removed from his/her custody, shall not be allowed by the court to own another dog for a period to be determined by the judge. (Ord. No. 2014-3, Sec. 15.)

6.04.16 Fines Any person violating any portion of this ordinance shall be deemed guilty of a city ordinance and shall be punished, upon conviction, by assessment of a fine not less than Fifty Dollars (\$50.00) and not more than Two Hundred and Fifty Dollars (\$250.00), plus the cost of court. (Ord. No. 2014-3, Sec. 16.)

6.04.17 Enforcement The primary responsibility for the enforcement of this ordinance shall rest with the agents of the city of Redfield and its designated employees. The agent of the city of Redfield shall be authorized to promulgate such rules and regulations as may be necessary to effectuate this ordinance. All rules and regulations shall be brought before the City Council for review and consideration prior to adoption. No rules or regulations will be implemented unless adopted by a majority vote of the City Council. (Ord. No. 2014-3, Sec. 17.)

6.04.18 Vicious dogs Vicious dogs are defined as follows:

- A. Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
- B. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- C. Any dog which bites, inflicts, injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- D. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- E. Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such 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.
- F. No dog may be declared vicious if any injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained while teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

From and after the effective date of this ordinance, the following standards shall apply to the keeping of vicious dogs within the city limits of the city of Redfield, Arkansas, whether such dog is at the time of the effective date of this ordinance within the city limits or so at a future date:

- A. Registration requirements Within thirty (30) days from the effective date of this ordinance, or within thirty (30) days from the date any vicious dog is brought into the city, the owner of said vicious dog shall register same and provide proof of spay/neuter from licensed vet with the agent of the city of Redfield on such registration forms prepared by the agent of the city of Redfield.
- B. Harness/leash No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a harness and leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside of a 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, buildings, stakes in ground, etc.
- C. Confinement All registered vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel or structure which must have secure sides and a secure top attached to the sides. All structures used to confine registered vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground not less than two (2) feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the city of Redfield. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- D. Confinement indoors No vicious dog may be kept on a porch, patio or in any part of 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.
- E. Signs All owners of registered vicious dogs within the city of Redfield, Arkansas, shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."
- F. Insurance All owners of registered vicious dogs must provide proof to the agent of the city of Redfield of Public Liability Insurance in a single incident amount of \$50,000.00 for bodily injury to or death or any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the agent of the city of Redfield.
- G. Identification photographs All owners of registered vicious dogs must provide two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

- H. Reporting requirements All owners of registered vicious dogs must within ten (10) days of the incidents below, report the following information in writing to the agent of the city of Redfield as required hereinafter:
1. The removal from the city or death of a registered vicious dog.
 2. The new address of a registered vicious dog owner should the owner move within the city limits of Redfield, Arkansas.
- I. Sale or transfer of ownership prohibited No person shall sell, barter, or in any other way dispose of a vicious dog registered with the city to any person within the city unless the recipient person first complies with registration and other requirements herein.
- J. Rebuttable presumption There shall be a rebuttable presumption that any dog registered with the city as a vicious dog is in fact a dog subject to the requirements of this ordinance.
- K. Failure to comply It shall be unlawful for the owner of a vicious dog registered with the city of Redfield 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 the ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the registration of such animal, resulting in the immediate removal of the animal from the city of Redfield.
- L. Violations and penalties Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction, be fined a sum not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1000.00). In addition to the fine imposed the court may sentence the defendant to imprisonment for a period not to exceed thirty (30) days. In addition, the court shall order the registration of the subject vicious dog revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the court may find the defendant in contempt and order to immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including but not limited to the shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

Nothing in this ordinance shall limit local government from placing further restrictions or additional requirements on owners of vicious dogs or developing procedures and criteria for the implementation of this ordinance, provided that no such regulation is specific to breed and that the provisions of this ordinance are not lessened by such additional regulations or requirements. (Ord. No. 2014-3, Sec. 18.)

6.04.10 Number of dogs It shall be unlawful for any person, firm or corporation to own, keep or harbor more than five (5) dogs over three (30 months old within the corporate limits of the city of Redfield except that this provision shall not apply to proprietors of dog hospitals and veterinarians when such dogs are kept upon premises used by such dog hospital and veterinarians normal place of business. Keeping on the premises of the owner of more than five (5) dogs shall be evidence of violation of this section and the burden of proof shall be on the owner to show the ages of the dogs. (Ord. No. 2014-3, Sec. 19.)

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

- 6.08.01 Deposits on streets
- 6.08.02 Running at large – fowl
- 6.08.03 Running at large – stock
- 6.08.04 Keeping of livestock prohibited
- 6.08.05 Keeping of hogs

6.08.01 Deposit on streets Every dead cow, horse, or other animal found lying on any of the streets, alleys, or any other place is declared to be a nuisance and whoever shall deposit the same in such place shall upon conviction thereof be fined not greater than One Thousand Dollars (\$1,000.00). (Ord. No. 2014-2, Sec. 1.)

6.08.02 Running at large – fowl It shall be unlawful for any chicken, guinea, duck, goose or other fowl to stray beyond the enclosure of its owner(s), within the city limits of the city of Redfield, Arkansas. (Ord. No. 2014-3, Sec. 2.)

6.08.03 Running at large – stock The running at large or in the public streets, alleys, sidewalks, commons or unenclosed grounds or public or private property within the corporate limits of the city of Redfield, of any cattle, horses, mules, asses, swine, sheep, goats or any other animals of like kind, is hereby made unlawful. (Ord. No. 2014-3, Sec. 3.)

6.08.04 Keeping of livestock prohibited

- A. From the date of approval forth, it shall be unlawful for any person to keep, maintain, or permit to run at large within the corporate limits of the city, any livestock, except as provided herein. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of agents of the city of Redfield to enforce the provisions hereof:

1. The keeping of horses, cows, or ratites is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. Such enclosures shall be kept in a sanitary, healthful, and secure condition so as to prevent any nuisance to citizens. The owner shall also provide adequate shelter for the particular species of animal they own.
 2. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the agent of the city of Redfield. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the agent of the city of Redfield, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.
 3. Additionally, adequate supplemental feed shall be supplied, such supplemental feed provided so as to maintain good health and proper condition of each head of livestock.
 4. Water vessels appropriately constructed and located must be available so that each animal kept will have 24-hour access to wholesome water.
- B. For any other animals commonly referred to as farm animals including but not limited to chickens, goats, sheep, and ducks, space allotment, shelter adequate for particular species, and food and water must be adequate enough for each animal to be maintained in a comfortable, healthy, and stress-free manner. (Ord. No. 2014-3, Sec. 4.)

6.08.05 Keeping of hogs It shall be unlawful for any person or persons to keep or confine any hog or swine within any lot, pen, building, or enclosure of any kind within the city of Redfield. (Ord. No. 2014-3, Sec. 5.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Juvenile Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Public Nuisance
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Solicitation
- 7.32 Fireworks
- 7.36 Office of Emergency Services
- 7.40 Noise
- 7.44 Outside Burning
- 7.48 Purchasing Alcohol
- 7.52 Yard Sales
- 7.56 Forestry Plan
- 7.60 Signs

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations of the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the Mayor's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.
STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city. STATE LAW REFERENCE - A.C.A. 14-55-502

CHAPTER 7.08

JUVENILE CURFEW

Sections:

7.08.01	Definitions
7.08.02	Curfew for juveniles
7.08.03	Exceptions
7.08.04	Parental responsibility
7.08.05	Enforcement procedure
7.08.06	Penalty

7.08.01 Definitions For the purpose of the subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Juvenile or minor Any person under the age of 18, or, in equivalence phrasing often herein employed, any person 17 years of age or less.

Parent Any person having custody of a juvenile as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, as a person to whom legal custody has been given by order of a court of competent jurisdiction.

Remain to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling three or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

Street A way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes that legal right-of-way, including by not limited to traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street applies irrespective of what is called or formally named, whether alley, avenue, court, road or otherwise. Street shall also include shopping centers, parking lots, parks, playgrounds, public buildings, the common areas of public housing developments, and similar areas that are open to the use of the public.

Time of night As referred to herein is based upon the prevailing standard of times, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hour by the public in the city, prima facie the time then observed in the city police station.

Years of age Continues from the birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen or less years of age be treated as equivalent to the phrase "under 18 years of age." (Ord. No. 2004-1, Sec. 1.)

7.08.02 Curfew for juveniles It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon the streets within the city at night during the period ending at 5:00 a.m. and beginning:

- A. At 12:00 a.m. on Friday and Saturday nights and
- B. 10:00 p.m. on all other nights.
(Ord. No. 2004-1, Sec. 2.)

7.08.03 Exceptions In the following exceptional cases, a minor on a city street during the nocturnal hours prescribed for minors shall not, however be considered in violation of the curfew ordinance:

- A. When accompanied by a parent of such minor.
- B. When accompanied by an adult, at least 21 years of age, who is not the parent and who is authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within the specified area.
- C. When exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of such exercise by a written communication, signed by the juvenile and countersigned, by a parent of the juvenile with their home address, telephone number, specifying when, where and in what manner the juvenile will be on the streets at night (during hours when the curfew ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right.
- D. In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications the fact establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of the communications, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.
- E. When returning home from within one hour after the termination of a school or city sponsored activity or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probably time of termination, has been given in writing, to and duly filed for immediate reference by, the person designated by the Chief of Police.

- F. When engaging in the duties of bona fide employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.
- G. When the minor is in a motor vehicle for the purpose of interstate travel, either through, beginning or ending in the city. (Ord. No. 2004-1, Sec. 3.)

7.08.04 Parental responsibility

- A. It shall be unlawful for a parent of a juvenile to permit or allow the juvenile to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance. This subchapter is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of such juvenile.
- B. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.
- C. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile shall be released in accordance with Arkansas and federal law.
- D. In the case of a first violation by a juvenile, the Police Department shall by certified mail or direct service, send and/or deliver to a parent, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties. (Ord. No. 2004-1, Sec. 4.)

7.08.05 Enforcement procedure

- A. If a police officer reasonably believes that a juvenile is on the streets in violation of this curfew ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or her name, address, and telephone number and how to contact his or her parent or guardian.
- B. In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. No. 2004-1, Sec. 5.)

7.08.06 Penalty

- A. In the case of a violation by a minor child, the parent(s), legal guardian or other persons having actual control and custody of such minor child shall be charged and held liable as a principle with the violation hereof. They shall not be charged with a first offense until at least one warning has been given. Any person convicted with violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00) for each and every conviction. Upon a conviction for a second or subsequent offense, the minimum fine shall be increased by the sum of One Hundred Dollars (\$100.00). Court costs will be appended to each fine levied.
- B. Any minor child who shall violate any of the provisions of this ordinance more than three (3) times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision. The Chief of Police shall refer the matter to the appropriate prosecuting authority and/or the Department of Human Services or other appropriate authorities. The Juvenile Division of the Circuit Court shall have exclusive jurisdiction of said violations by a minor child.

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

7.12.01 Illegal It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city. (Ord. No. 85-5, Sec. 1.)

7.12.02 Definitions

- A. A person commits the offense of loitering if he:
1. Lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon

inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or

2. Lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
 3. Lingers or remains in a public place or on the premises of another for the purpose of begging; or
 4. Lingers or remains in a public place for the purpose of unlawfully gambling; or
 5. Lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
 6. Lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
 7. Lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. Takes flight upon the appearance of a law enforcement officer; or
 2. Refuses to identify himself; or
 3. Manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
- D. It shall be a defense to a prosecution under subsection 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an

explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm. (Ord. No. 85-5, Sec. 2.)

7.12.03 Penalty As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00). (Ord. No. 85-5, Sec. 3.)

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful to discharge
- 7.16.02 Fine

7.16.01 Unlawful to discharge The discharge of firearms within the city limits of Redfield is prohibited. (Ord. No. 81-2, Sec. 1.)

7.16.02 Fine The discharge of firearms within the city limits is a misdemeanor, and anyone convicted thereof shall be liable to pay a fine not in excess of One Hundred Dollars (\$100.00). (Ord. No. 81-2, Sec. 2.)

CHAPTER 7.20

PUBLIC NUISANCE

Sections:

- 7.20.01 Definitions
- 7.20.02 Illustrative enumeration
- 7.20.03 Prohibited
- 7.20.04 Notice to abate
- 7.20.05 Contents of notice
- 7.20.06 Service of notice
- 7.20.07 Abatement by city
- 7.20.08 City's cost declared a lien
- 7.20.09 Ordinance to be supplemental
- 7.20.10 Procedures adopted by reference

7.20.01 Definitions For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Nuisance is hereby defined as any person responsible for or doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injures or endangers the comfort, repose, health or safety of others; or
- B. Offends decency; or
- C. Is offensive to the senses; or
- D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- E. In any way renders other person insecure in life or the use of property; or
- F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Persons so responsible hereunder shall include parents for "nuisance" conditions caused by their children or others under their care, and landlords or absent property owners when the property is under the care, custody, or use of another person or company.

Abandoned vehicle means any motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control and/or any motor vehicle which is inoperable. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether physical possession of the vehicle remains in the technical custody or control of such owner if it has remained inoperable, or if the owner has relinquished dominion or control of such vehicle for at least 72 hours.

Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground and shall include, but is not limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, campers and trailers.

Inoperable motor vehicle means any vehicle placed on blocks, or has one or more wheels removed, or is in a state of disrepair, or incapable of being moved under its own power.

Junked motor vehicle means any motor vehicle, as defined herein, which does not have lawfully affixed thereto a current license plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and remains in said condition for more than five days. (Ord. No. 2008-6, Sec. 1.)

7.20.02 Illustrative enumeration The maintaining, using, placing, depositing, or any of the following items, conditions or actions are hereby declared to be and constitute a nuisance, and shall constitute a public nuisance and a violation of this law whenever the public at large is affected, as evidenced by the complaint(s) of direct effects of same upon the resident(s) of three separate households, or of any law enforcement officer, code enforcement officer, or city official; provided however, this enumeration shall not be deemed or construed to be conclusive, limits or restrictive:

- A. Noxious weeds or other rank vegetation of any height, or unmowed grass and/or weeds which is of sufficient height to be unsightly in contrast to the typical landscaping of the area.
- B. Accumulation of rubbish, trash, refuse, junk, or other materials, metals, lumber or other things, which are abandoned or which appear to be unusable or of similar character and apparently unused for an extended period of time.
- C. Any condition which provides harborage for rats, mice, snakes and other vermin, or which provides a serious but abatable breeding found for flies, mosquitoes, or other insect pest.
- D. Any building or other structure which was designed or constructed for human habitation and is in such a dilapidated condition that is unfit for human habitation and is in such a dilapidated condition that is unfit for human habitation, or any structure which is kept in such an unsanitary or unsafe condition that it is a menace to the health of people residing in the vicinity there, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located; provided, however, that this shall not automatically prohibit, nor shall it automatically permit, the keeping of barns, storage buildings or other structures used for farming, ranching, or other work purposes,
- E. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- F. All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench.
- G. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- H. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamers, industrial wastes or other substances.

- I. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- J. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- K. Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities, proof of open burning in violation of any law shall constitute sufficient evidence of a public nuisance.
- L. Abandoning, keeping, or storing of any of the following, within public view, on the front porch or in the yard of any residence, commercial establishment, or vacant lot.
 - 1. Any appliances of furniture designed for interior use, including without limitation, refrigerators, freezers, clothes washing machines, clothes dryers, and upholstered furniture such as sofas or recliners, and any other like items, unless such items are covered by an opaque covering or tarpaulin;
 - 2. Any inoperable motor vehicle, boat, or trailer, or major portion thereof, including without limitation engines, transmissions, axles, frames, doors, or any body-panels, unless same are constantly kept, when unattended, under an opaque covering or tarpaulin; provided, this provision shall not apply to such items during the first ten (10) days of their location upon the premises, and further provided that if the city's code officer or other representative deem a vehicle to be inoperable, it shall be incumbent upon the owner or resident of the premises to demonstrate otherwise, the term inoperable meaning incapable, in its present condition of being safely propelled under its own power, without failure, for a distance of at least one mile. (Ord. No. 2008-6, Sec. 2.)

7.20.03 Prohibited It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a public nuisance, as defined in 7.20.02. A violation of this section shall be punishable by a minimum fine of One Hundred Dollars (\$100.00) for the initial violation and a minimum fine of Twenty-Five Dollars (\$25.00) for each day that such nuisance continues unabated. The penalties provided in this section shall be in addition to all others provided by any other applicable city ordinance or state law to ensure abatement of the nuisance. (Ord. No. 2008-6, Sec. 3.)

7.20.04 Notice to abate Whenever a nuisance is found to exist within the city, the city's code enforcement officer or some other duly designated officer or official of the city shall give either written notice, or adequate verbal notice, to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. (Ord. No. 2008-6, Sec. 4.)

7.20.05 Contents of notice The notice to abate a nuisance issued under the provisions of this ordinance shall contain:

- A. An order, or other official document to include a notice of citation to appear, to abate the nuisance or requiring the owner or occupant to request a hearing before the City Council within a stated time for the purpose of having the City Council within a stated time for the purpose of having the City Council determine whether the conditions complained of actually constitute a public nuisance; any such request for a hearing must be reasonable under the circumstances and shall not constitute a defense to any pending or subsequent prosecution for violation of this ordinance, and shall not necessarily delay the filing of criminal charges if the circumstances would seem to justify same.
- B. The location of the nuisance, if the same is stationary.
- C. A description of what constitutes the nuisance.
- D. A description of the corrective measures which are necessary to abate the nuisance.
- E. A statement that if the nuisance is not abated as directed and if no request for a hearing is made by the owner or occupant within the time, then the city may abate such nuisance and assess the cost thereof against such person(s) or property owner(s).
- F. Either a copy of, or adequate reference to, the relevant portion of the nuisance law which is alleged to be violated, provided, however, that failure to do so by the city shall not constitute a defense in a criminal prosecution for a violation of this law in that no person is entitled to any notice to abate prior to the filing of any such charges, but is only entitled to such notice, when possible and prudent, prior to the city taking action to abate the nuisance itself. (Ord. No. 2008-6, Sec. 5.)

7.20.06 Service of notice The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law, or may be served in the form of the issuance of a warning ticket or other written or verbal warning by any law enforcement officer, city code officer, or city official: failure to serve notice shall be relevant only for purposes of the city's abatement of the nuisance and shall not constitute a defense in a criminal prosecution for violation of this law in that no person is entitled to any notice to abate prior to the filing of any such charges. (Ord. No. 2008-6, Sec. 6.)

7.20.07 Abatement by city Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this ordinance to abate the same within seven (7) days following service of said notice, the city code officer or other duly designated officer of

the city may proceed to abate such nuisance and, in such event, shall prepare a statement of cost incurred in the abatement thereof; however, neither this provision nor any action by the city taken to abate a nuisance shall prevent criminal prosecution of said person for the initial or continued violation of this ordinance occurring at any time prior to or after service of notice. (Ord. No. 2008-6, Sec. 7.)

7.20.08 City's cost declared a lien All cost incurred by the city in the abatement of a nuisance under the provisions of this ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. (Ord. No. 2008-6, Sec. 8.)

7.20.09 Ordinance to be supplemental The provisions of this ordinance shall be supplemental to all other ordinances and remedies available to the city. (Ord. No. 2008-6, Sec. 9.)

7.20.10 Procedures adopted by reference Any procedures set forth by the state of Arkansas, now or in the future, and as may be amended by the state of Arkansas for the enforcement of public nuisance laws in any respect, including without limitation A.C.A. 14-54-602, 14-54-901, et seq., 14-54-1101 et seq., and 14-56-203 et seq., are hereby adopted by reference so that any changes in such state laws, or in any other state law, shall not require the specific amendment of this ordinance in order for the city of Redfield to enforce same, it being the intent of the city of Redfield that any and all procedures prescribed by the state of Arkansas be always followed in enforcing this law. (Ord. No. 2008-6, Sec. 10.)

CHAPTER 7.24

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

- | | |
|---------|--|
| 7.24.01 | Restriction on keeping |
| 7.24.02 | Volatiles never to be allowed to pass into drainage system |
| 7.24.03 | Penalty |

7.24.01 Restriction on keeping Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any

building. Such total of five (5) gallons or less shall be kept only in cans approved by the Chief of the Fire Department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the Chief of the Fire Department located not less than fifty (50) feet from the line of any adjoining property which may be built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area.

The requirement of underground burial shall not be applicable to automobile, trucks, tractors, airplanes, boats, earth moving or other heavy equipment, home butane or propane tanks, and approved portable tanks. (Ord. No. 76-2, Sec. 1.)

7.24.02 Volatiles never to be allowed to pass into drainage system In no instance shall the aforementioned substances and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Closed metal cans shall be used only for all oily waste or waste oils. (Ord. No. 76-2, Sec. 2.)

7.24.03 Penalty Any person, firm, or corporation who shall violate or fail to comply with this ordinance, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of the penalty for violation of this ordinance shall not excuse the violation or permit it to continue. Each five days that any prohibited condition is maintained shall constitute a separate offense. (Ord. No. 76-2, Sec. 2.)

CHAPTER 7.28

SOLICITATION

Sections:

7.28.01	Definitions
7.28.02	Application for License
7.28.03	Contents of Application
7.28.04	Denial of Application
7.28.05	Appeal
7.28.06	Solicitation Criteria

7.28.01 Definitions The following words, terms, and phrases, and their derivations, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. **Canvasser** means any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of furthering any non-commercial cause, including but not limited to: a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause.
- B. **City Hall** means Redfield City Hall.
- C. **Department** means the Police Department.
- D. **Mayor** means the current mayor of Redfield, Arkansas.
- C. **Recorder/Treasurer** means the current Recorder/Treasurer of the City of Redfield.
- D. **Peddler** means any person who, without invitation, goes from house to house or from place to place in the City selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future whether such person has, carries or exposes a sample of such goods, wares and merchandise or not and whether he is collecting advance payments on such sales or not.
- E. **Solicitor** means any person who without invitation, goes upon private property, to request contribution of funds of anything of value, or sell goods or services for any commercial purposes. (Ord. No. 2017-3, Sec. 1.)

7.28.02 Application for License

- A. Peddlers are required to apply for a license under this Section.
- B. Applicants for permit under this chapter shall complete the permit applications and pay a forty dollar (\$40) fee for the principal applicant and five dollars (\$5) for each additional peddler or solicitor for the principal applicant. The application and fees shall be paid to the Recorder/Treasurer at City Hall. Once completed and returned, the Mayor, or in his absence a designated representative, will either approve or deny the application based on whether the applicant has provided all information required under Section 03, and not in violation of any provisions in Section 04.
- C. All applications must be approved or denied within three (3) business days of receipt of the completed application. Notice of the decision must be in writing and mailed to the applicant at the address provided on the application. If a denial is made, then the Mayor will provide each reason why the application was denied.
- D. Canvassers are exempt from all requirements set out in this chapter.
- E. Non-commercial Solicitors are exempt from all requirements set out in this chapter. (Ord. No. 2017-3, Sec. 1.)

7.28.03 Contents of Application The application shall contain the following information:

- A. The name, address, and phone number of the Peddler or Solicitor;
- B. A copy of a photo identification card of the Peddler or Solicitor;
- C. The name and address of the person, firm or corporation for whom the Peddler or Solicitor is acting on behalf;
- D. The length of service of each Peddler or Solicitor with such entity;
- E. The nature or character of the goods, wares merchandise or services to be offered by the Peddler;
- F. A statewide criminal background check and a nationwide index/background check, including sex offender registry for each individual solicitor.
- G. Payment in full for applicable fees. (Ord. No. 2017-3, Sec. 1.)

7.28.04 Denial of Application

A. The Mayor may deny an application under this chapter or revoke a license issued under this chapter ONLY for the following causes:

- 1. False statement(s) contained in the application for license;
- 2. False statement(s) made in the course of carrying on his/her business as Peddler;
- 3. Failure to complete the application;
- 4. Any violation of this chapter;
- 5. Conviction of a felony or any misdemeanor involving theft, sexual offense or violence and/or have been incarcerated in prison within the previous five (5) years of the application for license; during the pendency of the application for license; or during the duration of the issued license.

B. In the case of a revocation of a license, within seven days from receipt of the application, the Mayor shall give notice of the revocation and state the reasons for the revocation by mailing such notice to the applicant at the address provided on the application. (Ord. No. 2017-3, Sec. 1.)

7.28.05 Appeal

- A. In the event that any applicant desires to appeal from any denial or revocation made under the provisions of this chapter, such applicant or any other person aggrieved shall file written notice of appeal to the City council with the mayor. The appeal shall be heard at the next regular meeting of the City council. The decision of the City council will give no deference to the decision made by the Mayor, and will be made in writing within three (3) days of the hearing.
- B. The Mayor shall notify, in writing, each applicant who appeals of the time and place of the next scheduled City council meeting. At each appeal the applicant may provide evidence on their behalf. (Ord. No. 2017-3, Sec. 1.)

7.28.06 Solicitation Criteria

- A. Where a "no soliciting/no peddling" sticker, sign, or decal is posted upon a private residence or business, any solicitor or peddler has notice that soliciting or peddling at this address is prohibited.
- B. All solicitation permits expire one year from date of issue
- C. It is unlawful to solicit or peddle within city limits without having a copy of the ordinance and a copy of the permit issued by City Hall on their person.
- D. No soliciting or peddling shall occur after sundown nor before sun up.
- E. Peddlers/solicitors are required to leave a private residence immediately when requested to do so by a resident, and must otherwise not conduct business in a manner which a reasonable person would find obscene, threatening, intimidating, or abusive.
- F. It is unlawful to make false or misleading statements about the product or services being sold, including untrue statements of endorsement, or claim to have the endorsement of the city based on the city having issued a permit to that person.
- G. A peddler/Solicitor must disclose his or her name and the name of the principal whom he represents at the outset of the initial conversation.

*Any violation of this Section, could result in the revocation of solicitors permit. (Ord. No. 2017-3, Sec. 1.)

CHAPTER 7.32

FIREWORKS

Sections:

- 7.32.01 Holiday fireworks
- 7.32.02 Rules for selling
- 7.32.03 Fine

7.32.01 Holiday fireworks The discharge of fireworks after 10:00 p.m. within the city limits of the city of Redfield is prohibited except for the following holidays: New Year's Eve, and the 4th of July. On these holidays fireworks may not be discharged after 1:00 a.m. the following day. (Ord. No. 81-2, Sec. 3.)

7.32.02 Rules for selling

- A. Must have a \$10.00 state permit.
- B. Must have "FIREWORKS, NO SMOKING WITHIN 10 FEET" signs with 4 inch letters displayed.
- C. No paint, oil, varnishes, etc. in area.
- D. Must have safety fuses.
- E. No broken packages unless they have safety fuses.
- F. Gas-station type business cannot have them in their building. They must use a separate building 50 feet from gas pumps.
- G. State permit must be displayed

A.C.A. 20-22-710 of Act 1041, 1985 applies.

7.32.03 Fine The discharge of fireworks within the city limits of the city of Redfield after the hours noted in 7.32.01 is a misdemeanor, and anyone convicted thereof shall be liable to pay a fine not in excess of Twenty-Five Dollars (\$25.00). (Ord. No. 81-2, Sec. 4.)

CHAPTER 7.36

OFFICE OF EMERGENCY SERVICES

Sections:

7.36.01	Established
7.43602	Director

7.36.01 Established As authorized by Act 511 of 1973 of the Acts of Arkansas, as amended, there is hereby established in the city of Redfield, Arkansas, an office of Emergency Services. (Ord. No. 86-6, Sec. 1.)

7.36.02 Director The office will be under the control of a director appointed by the Mayor. (Ord. No. 86-6, Sec. 2.)

CHAPTER 7.40

NOISE

Sections:

7.40.01	Prohibited
7.40.02	List of noises
7.40.03	Advertising
7.40.04	Fine

7.40.01 Prohibited The creating of any unreasonably loud, disturbing and unnecessary noise, including noise of such character, intensity, or duration as to be detrimental to the life, health, or safety of any individual, or in disturbance of the public peace and welfare is prohibited. (Ord. No. 85-6, Sec. 1.)

7.40.02 List of noises The following acts, among others, are declared to be noises in violation of this ordinance, but this enumeration shall not be deemed to be exclusive, namely:

- A. The sounding any horn or signal device on any automobile, motorcycle, bus, taxicab, or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- B. The playing of any radio, juke box or similar device, phonograph or any other kind of musical instrument or loudspeaker device in such a manner or with such volume, as to annoy or disturb the quiet, comfort, or repose of persons in any office, hospital or in any dwelling, motel or other type of residence or of any persons in the vicinity;
- C. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or any other type of residence or any persons in the vicinity;
- D. The use of any automobile, truck, motorcycle, motorcycle, bus, tractor, motor propelled vehicle or whatsoever kind, design, or name, or any other vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

- E. To discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, automobile, truck motorcycle, motor bicycle, bus, tractor, motor propelled vehicle of whatsoever kind, design, or name, or any other vehicle or motorboat engine, including outboard motors, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- F. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof. None of the terms or prohibitions hereof shall apply to or be enforced against any vehicle of the city while engaged upon necessary public business, or any ambulance while being operated in cases of emergency.
(Ord. No. 85-6, Sec. 2.)

7.40.03 Advertising It shall be unlawful for any person to erect or locate any amplifying device or other noise-emitting device or apparatus in the front part of or in front of his premises, for general advertising purposes, or for the purposes of soliciting trade or soliciting attention to any goods, wares, merchandise, or services offered for sale, which shall be mechanical or electrical means, emit any sounds or noises so as to annoy or disturb the public, or attract passers-by on the public thoroughfares. (Ord. No. 85-6, Sec. 3.)

7.40.04 Fine Any person who violates any of the provisions of this ordinance shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 85-6, Sec. 4.)

CHAPTER 7.44

OUTSIDE BURNING

Sections:

7.44.01	Name
7.44.02	Rules
7.44.03	Burn ban
7.44.04	Incinerators
7.44.05	Location
7.44.06	Open burning
7.44.07	Penalty

7.44.01 Name This ordinance may be known as the "Burning Ordinance of the city of Redfield." (Ord. No. 87-14, Sec. 1.)

7.44.02 Rules Burning is not permitted between sunset and sunrise. There will be no burning on windy days and all fires must be extinguished before sunset. (Ord. No. 87-14, Sec. 2.)

7.44.03 Burn ban The Chief of the Fire Department may prohibit any or all bonfires or outdoor trash fires when atmospheric or local conditions make such fires a hazard. (Ord. No. 87-14, Sec. 3.)

7.44.04 Incinerators Ordinary household garbage must be burned in a legal incinerator. Types of legal incinerators are masonry with top or metal drum with top. All incinerators must have a tight fitting top. If the top is wire mesh, then mesh cannot be over one inch in diameter. (Ord. No. 87-14, Sec. 4.)

7.44.05 Location The burner or incinerator must be at least twenty feet from any structure, roadway, or any flammable materials (wooden fence, stacks of lumber, utility lines, etc.) (Ord. No. 87-14, Sec. 5.)

7.44.06 Open burning Open burning of leaves, brush, bonfires, etc. is not permitted on or in public street, gutters, ditches, sidewalks, alleys, or on public property under any circumstance without a written permit from the Fire Chief or his appointed office. (Ord. No. 87-14, Sec. 6.)

7.44.07 Penalty Any person violating the provisions of this ordinance shall be fined in a sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). All fines collected are for the use and benefit of the Fire Department. (Ord. No. 87-14, Sec. 7.)

CHAPTER 7.48

PURCHASING ALCOHOL

Sections:

7.48.01	Purchase by a minor
7.48.02	Retail dealers
7.48.03	Fine
7.48.04	Sign

7.48.01 Purchase by a minor It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of obtaining liquor, beer or alcoholic beverages. (Ord. No. 95-4, Sec. 1.)

7.48.02 Retail dealers It shall be unlawful for any person under the age of twenty-one (21) years to attempt to purchase or otherwise obtain any alcoholic beverage from a retail dealer who sells such beverages for off-premises consumption or from a restaurant, or other establishment which sells such beverages for on-premises consumption. (Ord. No. 95-4, Sec. 2.)

7.48.03 Fine Any person convicted of violating 7.48.01 or 7.48.02 shall be punished by a fine not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 95-4, Sec. 3.)

7.48.04 Sign

- A. The manager of any public establishment which sells alcoholic beverages for on-premise or off-premise consumption, shall be required to post in a conspicuous place a notice stating:

NOTICE TO PERSONS UNDER 21 YEARS OF AGE

You are subject to a \$500.00 fine for:

1. Misrepresenting your age for the purpose of obtaining liquor, beer, alcoholic beverage.
 2. Attempting to purchase or otherwise obtain liquor, beer, or alcoholic beverage.
- B. The size of the notice shall not be less than 8 ½ inches by 11 inches. The lettering on the notice shall be clearly legible. (Ord. No. 95-4, Sec. 4.)
- C. Each drive through has to have a separate sign as described in (B).

CHAPTER 7.52

YARD SALES

Sections:

7.52.01	Definition
7.52.02	Number of sales
7.52.03	Registration

7.52.01 Definition

Yard sale shall be defined as the selling of miscellaneous goods such as, but not limited to, clothing and house wares, on property zoned for residential or commercial use. Yard sales are also commonly known as rummage sales, garage sales, and carport sales, estate sales or commercial auctions. This ordinance does not apply to estate sales or commercial auctions operating with a commercial auctioneer's license or a business permit. Such activities may take place inside or outside of a house, garage, carport, or on a business parking lot. It will be the sole responsibility of the individual holding the yard sale to acquire the business's permission to hold said yard sale on that business's parking lot. (Ord. No. 2008-12, Sec. 1.)

7.52.02 Number of sales Each residential address shall be limited to four (4) yard sales in a calendar year. A maximum of three (3) consecutive sale days shall count as one yard sale. (Ord. No. 2008-12, Sec. 2.)

7.52.03 Registration Prior to holding a yard sale, the property owner or tenant shall notify the City Clerk to register his or her yard sale. (Ord. No. 2008-12, Sec. 3.)

CHAPTER 7.56**FORESTRY PLAN**Sections:

7.56.01	Purpose
7.56.02	Definitions
7.56.03	Administration
7.56.04	Establishment of a Tree Board
7.56.05	Tree planting, maintenance and removal
7.56.06	Penalty

7.56.01 Purpose It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare of citizens and visitors by providing for the development of a Community Forestry Plan to address the planting, maintenance, and removal of public trees within the city of Redfield in order to promote the benefits of our community forest resources. (Ord. No. 2010-8, Sec. 1.)

7.56.02 Definitions

Hazardous tree A tree or tree parts with high probability of falling or causing injury or property loss. Also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

Person An individual, firm, corporation, partnership, business, group or individuals, city department or other entity which acts singly or collectively for a common purpose.

Public grounds Any publicly owned land in the city limits, including street rights-of-way, easements, alleys, parks, medians substations, treatment plants, plazas, squares, public building and any other area designated for public use.

Public trees Trees growing on property owned by the city of Redfield.

Street right-of-way That portion of a street dedicated to public use, or conveyed to the public for use as a street, or an area subject to prescriptive easement for public use as a street, but in any case limited to that area maintained by the city of Redfield as a way for vehicular traffic.

Tree Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three (3) inches at DBH and a height of over ten (10) feet, and including crepe myrtles and other woody plants with multiple stems. (Ord. No. 2010-8, Sec. 2.)

7.56.03 Establishment of a Tree Board The purpose of the Tree Board shall be promoting the responsible planting of trees on public property, public education about trees, promotion of proper maintenance of trees, advocating trees within the city, and developing innovation and joint funding for projects from a variety of sources.

- A. The Tree Board shall consist of a total of five (5) members from the Park Commission, who shall be appointed by the Mayor of Redfield.
- B. Terms of membership on the Tree Board shall be for a period of two (2) years that will consign with the Park Commission membership. Should a member be unwilling or unable to serve the full membership term, the vacancy shall be filled, for the unexpired term, appointed by the Mayor.
- C. Staff support to the Tree Board shall be appointed by the Mayor from employees of the Street Department.
- D. Members of the Tree Board shall serve without compensation.

- E. The Tree Board shall hold regular meetings and may call special meeting if necessary to carry out its duties.
- F. The Tree Board shall choose its own officers, keep minutes of its proceedings and file them with the City Clerk.
- G. It shall be the responsibility of the Tree Board to study, investigate, consult, develop, and update annually a written plan for the care, protection, pruning, planting or removal of trees and shrubs in parks and in other public areas. The plan will include standards for tree planting and care. Such plan will be presented annual to the City Council and upon their acceptance and approval shall constitute the official comprehensive tree management plan.
- H. The Tree Board will investigate available grants, loans or contributions from other governmental agencies, public or private corporation or individuals.
- I. The Tree Board will encourage and foster the planting of trees and other vegetation for the beautification of the city, and disseminate information to the public concerning proper selection and care of trees. (Ord. No. 2010-8, Sec. 4.)

7.56.05 Tree planting, maintenance and removal It is the public policy of the city of Redfield to maintain existing trees and to provide and encourage the planting of new trees on public grounds within Redfield to the greatest extent possible.

- A. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry and beauty of such public grounds.
- B. The city shall have the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic control device, sign or sight triangle at intersections. The discretion to prune such trees or shrubs is vested in the Chief of Police.
- C. Each city department shall be responsible for enforcing this ordinance on lands for which it is otherwise responsible. The Mayor or his or her designee will ensure that the applicable department will administer this ordinance in its assigned area of responsibility.
- D. It shall be a violation of this ordinance to damage, destroy or mutilate any tree in a public right-of-way or on other public grounds, or attached or place any rope or wire, sign, poster, handbill or any other object to any such tree. Staking and guying materials are permitted.

- E. Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on any street.
- F. Public utility companies shall notify the city prior to performing above and below ground tree care on any tree located on city-owned property for the purpose of maintaining safe line clearance, and shall carry out all such work in accordance with accepted arboricultural practices. (Ord. No. 2010-8, Sec. 7.)

7.56.06 Penalty Any person or company violating any provision of this ordinance shall be upon conviction or a plea or guilty subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense. (Ord. No. 2010-8, Sec. 6.)

CHAPTER 7.60

SIGNS

Sections:

7.60.01	Definitions
7.60.02	General provisions
7.60.03	Prohibited signs
7.60.04	Specific type signs as noted
7.60.05	Signs for which permit is not required
7.60.06	Permits
7.60.07	Fees
7.60.08	Term and issuance of permit
7.60.09	Maintenance
7.60.10	Signs permitted in all zones
7.60.11	Signs permitted in residential zones
7.60.12	Signs permitted in commercial, industrial and old town zones
7.60.13	Non-conforming signs
7.60.14	Violations
7.60.15	Removal of signs by the Code Officer
7.60.16	Penalties
7.60.17	Appeals

7.60.01 Definitions

Sign Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

Sign, alteration Change of height, size, and location will be defined as an alteration.

Sign, balloon A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, canopy A sign attached to the underside of a canopy.

Sign, construction A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, directional Signs directing or informing of public or quasi-public nature (church, school, library, hospital, tourist attraction, civic or service clubs).

Sign, directory A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the buildings or group of buildings, and that may also indicate their respective professions or business activities.

Sign, flashing Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, freestanding Any non-movable sign not affixed to a building.

Sign, ghost a sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to commercial or non-commercial advertising.

Sign, ground-mounted A freestanding sign, other than a pole sign, in which the entire bottom is in contact with the ground.

Sign, height The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

Sign, home occupation A sign to identify the business, occupation or profession within a residential structure.

Sign, illuminated A sign designed to give forth any artificial light or reflect such light from an external source.

Sign, incidental A sign informational in nature that has a purpose secondary to the use of the business or premise and does not contain any commercial message. Examples of incidental signs are (but not limited to) "Parking," "No Parking," "Entrance," "Exit," and "Loading Zone."

Sign, non-conforming Any sign which is not permitted within the zone in which it is located or any sign that is defective, damaged, substantially deteriorated or presents a hazard; any sign in place prior to the adoption of this ordinance.

Sign, off-premise A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, on-premise A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at the location on which the sign is located.

Sign, pole A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is eight (8) feet or more above grade.

Sign, political Temporary sign erected on private property within the city for the purpose of political campaigning regarding a designated election.

Sign, portable Any sign which is movable, portable or designed to be portable which is mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, projecting A sign which projects from and is supported by a wall of a building and does not extend beyond, into or over the street right-of-way.

Sign, real estate Signs advertising a specific property for sale, rent, or lease.

Sign, roof A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, special event/temporary A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon corrugated plastic, tarpaulin or like material, coated paper or canvas or organic material. Signs describing an event of public interest (fair, trade show, auctions, etc.) This type of sign will be allowed up for fourteen (14) days. A maximum of six (6) signs is allowed. (Ord. No. 2010-9, Sec. 1.)

7.60.02 General provisions The following general provisions govern the permitting of signs in the city of Redfield:

- A. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in this section and shall be issued by the city of Redfield with these regulations.
- B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- C. External devices shall be so placed and so shielded that rays from the devices or from the sign itself will not be directly cast into any residential zone, or sleeping room in any zone, or in the eyes of a vehicular driver.
- D. Only signs installed or authorized by the state, county, or city may be placed on the public right-of-way.
- E. No advertising sign shall be erected within fifty (50) feet of any adjoining residential zone boundary line. Further, no flashing signs of any type shall be erected within one hundred fifty (150) feet of an adjoining residential zone boundary line.
- F. No sign shall be permanently painted, pasted or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any residential zone.
- G. All signs shall be erected within the property lines of the premises upon which they are located. No portion of a sign shall extend, be erected, or be placed in any street or public right-of-way or public ground. All structural pylons and supports must be set back from the property line or right-of-way line a distance of at least one-fourth the required building setback of the zoned area or other distance as specified within this article whichever distance is greater. All structural pylons and supports must be setback a distance of at least five (5) feet from any easement.
- H. Signs that, in the opinion of the city of Redfield, may be in conflict with public traffic signs or signals shall not be permitted.
- I. No person shall place, maintain, or display any otherwise authorized sign, signal, marking, or device which imitates or resembles an official traffic control device,

emergency light, or railroad sign or signal or which has the effect of disrupting or confusing the movement of traffic. No person shall place, maintain, or display any sign that hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device, signal or sign.

- J. Signs and sign structures attached to the wall of any building shall not extend more than six (6) feet above the roofline.
- K. No sign shall be constructed in such a way as to interfere or extend into contact with any overhead wires or interfere with the operation and/or maintenance of any utility.
- L. The allowable display surface shall be computed on the basis of one side of a double-sided sign.
- M. Any illuminated sign shall have National Electric Code compliant underground or overhead electrical wiring.
- N. This article does not relate to building design, nor does it regulate the following:

Official traffic, governmental or public safety signs;
 The copy and message of signs;
 Window displays;
 Product dispensers;
 Scoreboards on athletic fields;
 Advertising at public athletic fields;
 Flags of any nation, government, or non-commercial organization;
 Holiday decorations;
 Gravestones;
 Barber poles;
 Religious symbols;
 Commemorative signs, tables, or plaques approved by the Redfield City Council;
 Signs required to be maintained by law or governmental order, rule or regulation;
 Display of street numbers;
 Off-premise open-house signs for the day on which the open-house is conducted.
 (Ord. No. 2010-9, Sec. 1.)

7.60.03 Prohibited signs The following signs are prohibited within the city of Redfield:

- A. Signs imitating warning signals No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop," "danger,"

or any other words, phrase, symbol, or character in a manner that might mislead or confuse a vehicular driver.

- B. Signs within street, highway or other public right-of-way No sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency, are permitted within any street, highway or other public right-of-way or public park or grounds.
- C. Certain attached and painted signs Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings.
- D. Signs attached to a motor vehicle.
- E. Signs attached to or painted on a trailer (excluding the previously defined "Portable Sign") when the trailer is detached from the towing motor vehicle and is parked or located for the primary purpose of displaying the advertisement thereon.
- F. Fluttering ribbons Fluttering ribbons and similar devices are prohibited within the front yard setback, except the flags of governments and their agencies.
- G. Hand-tacked signs.
- H. Temporary signs except as allowed under other specific provision of this ordinance Temporary signs that are expressly prohibited include the following:
 - 1. Handmade signs or handmade banners attached to landscaping or parking lot lighting or other fixtures in a temporary fashion and which are not intended to be a part of the structure to which they are attached.
 - 2. Signs supported by temporary or makeshift structures.
(Ord. No. 2010-9, Sec. 2.)

7.60.04 Specific type signs as noted

- A. Walls signs Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - 1. The display surface area of such sign shall not exceed fifteen percent (15%) of the square footage of the wall to which it is attached up to a maximum sign size of fifty (50) square feet.

2. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two (2) street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 3. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
 4. Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.
- B. Pole or ground signs Signs on poles where permitted are subject to the following standards: A premise shall be permitted to have one (1) pole sign for each street frontage. Such signs shall have a maximum display surface not exceeding fifty (50) square feet per side. A pole sign may not have more than two (2) display sides. A pole sign shall not be installed any closer than one hundred (100) feet from an existing pole sign. Pole sign may be an on-premises or off-premise sign. The maximum height of a pole sign shall be thirty (30) feet.
- C. Ground signs Ground signs are subject to the following standards:
1. Ground signs may not exceed fifty (50) square feet of display area and not exceed five (5) feet in height except as allowed in the following section. Ground signs may not have more than two (2) display sides.
 2. Ground signs which are integrated into an attractive brick, stone or wood architectural feature or an earthen berm, all of which shall be permanently landscaped, may exceed five (5) feet in height to a maximum of ten (10) feet (measured from the finished grade adjacent to the feature or berm). Sign may not exceed fifty (50) square feet per side of display area.
 3. Ground signs must be located so that they do not obstruct the view of traffic from any intersection, street or driveway.
 4. Ground signs shall be for on premise advertising only.

- D. Signs on work under construction Non-illuminated signs not exceeding thirty-two (32) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted upon the premises of any work under construction, alteration, or removal. They shall be set back not less than fifteen (15) feet from any property or right-of-way line, whichever distance is greater. Such signs shall be removed within thirty (30) days after completion of the project.
- E. Temporary subdivision signs Temporary signs not exceeding thirty-two (32) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen (15) feet from any property or right-of-way line, whichever distance is greater. Such signs shall be spaced not less than five hundred (500) feet apart within a single subdivision. They shall be removed when ninety percent (90%) of the lots are conveyed.
- F. Sign, directional Signs indicating directions shall not exceed sixteen (16) square feet.
- G. Neon signs Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements. Such sign's outside dimensions shall not exceed fifty (50) square feet in area.
- H. Banner signs not more than twenty-four (24) square feet in area per side are allowed One (1) banner sign is allowed per tenant or business location. Banners may be changed. Banners shall not be attached to trees, fence posts, power poles or other utility poles or signs. Banner permits must be renewed on an annual basis. Electrical service for illuminated signs shall meet the provision of the city Building and Electrical Codes.
- I. Political signs They are allowed without permit, in any zone. Signs over four (4) square feet in surface area and/or over four (4) feet in height are required to be set back at least ten (10) feet from the property line or right-of-way line, whichever distance greater. All such signs must be removed within seven (7) days following the last election in which the specific candidate advertised in the sign will participate in the designated election cycle. Maximum size sign allowed in a residential zone is sixteen (16) square feet. Maximum size sign allowed in a commercial zone is thirty-two (32) square feet.

- J. Real estate signs In any residential zone, real estate signs may not be larger than six (6) square feet in size and only one (1) sign is allowed for each side of the structure that faces a public street. In all other zones, real estate signs may be no larger than thirty-two (32) square feet. Off-premise real estate signs are permitted, but written permission of the premise owner is required. Real estate signs are temporary and shall be removed within seven (7) days of the property being sold.
- K. Incidental signs Display area shall not exceed four (4) square feet.
- L. Balloon signs The height of a tethered balloon sign shall not exceed thirty-five (35) feet at maximum height and shall not possess a tether of such length that, during straight-line winds, the sign would extend beyond any property line of property containing the sign or into a public sidewalk or roadway, whichever is less. A balloon sign shall not exceed five hundred (500) cubic feet in volume and shall be temporary in nature not to exceed thirty (30) days on display in any one (1) year period.
- M. Portable signs They are allowed, but a new permit must be acquired for each location to which the sign is positioned. Portable signs may not exceed thirty-two (32) square feet in area.
- N. Signage painted on motor vehicles or towable trailers is allowed when the vehicle/trailer has current valid license and registration, the vehicle/trailer is parked in an approved parking location for not more than forty-eight (48) consecutive hours, and not left with the intent to be a permanently located signage. Moving the vehicle/trailer from location to location to circumvent the time limits is prohibited. (Ord. No. 2010-9, Sec. 4.)

7.60.05 Signs for which permit is not required A permit is not required for the following types of signs in any zone:

- A. Traffic, directional, warning or information signs authorized by any governmental agency.
- B. Official notices issued or required by any court, government agency or officer.
- C. Real estate signs when the sign is located on the premise being sold, rented, or leased.
- D. Maintenance of a sign or for a change of copy on painted, printed or manual changeable copy signs.

- E. Political signs.
- F. Incidental signs.
(Ord. No. 2010-9, Sec. 4.)

7.60.06 Permits Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in this section. Application for a permit for the erection, alteration or relocation of a sign, when allowed by this article, shall be made to the Enforcement Officer or City Clerk. Forms may be required to provide the information necessary to administer the provisions of this article. As a minimum the following information is required:

- A. Height of sign
- B. Sign face detail (both sides, if applicable).
- C. Structure and/or support details.
- D. Location of sign in relation to street(s), property lines(s), easement(s), building, and private drives.
- E. Planning zone of the sign location.
- F. Location of any property lines that may be affected by the sign.
- G. Copy of agreement with property owner if property is leased.
- H. All requests for sign permits must be approved by the Planning Commission or duly appointed administrator.
- I. It shall be the contractor's or owner's responsibility to call for a final inspection when construction of the sign has been completed.
- J. All electrical work performed in conjunction with the installation of a sign shall require an electrical permit as described in the city Electrical Code.
- K. All signs must be designed and constructed to meet all the requirements pertaining to sign design and construction as stated in the city Building Code.
(Ord. No. 2010-9, Sec. 5.)

7.60.07 Fees Unless otherwise modified by ordinance, fees for a sign permit shall be as follows:

- A. The fee for signs and signage up to fifty (50) square feet shall be Twenty Dollars (\$20.00).

- B. The fee for temporary or banner signs shall be Ten Dollars (\$10.00).
(Ord. No. 2010-9, Sec. 6.)

7.60.08 Term and issuance of permit Sign permits shall be approved subject to the following conditions:

- A. Term Each permit shall be valid until the sign is removed, expiration of the time limit for temporary sign, or the city requests sign removal due to unsatisfactory or unsafe condition.
- B. Expiration of sign permit approval Failure to install the sign within twelve (12) months of issuance of the permit shall void the original permit and require a new permit for installation.
- C. Denial of sign permit When a permit is denied, the city shall give a written notice to the applicant along with a brief statement of reasons for denial, citing code sections and interpretation of possible nonconformity. The city may suspend or revoke an issued permit for any false statement or misrepresentation in the application.
- D. Inspection upon completion Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the city upon completion. A final inspection will be required, including electrical inspection if needed.
- E. Variances Fee Two Hundred Dollars (\$200.00). No variances are allowed for prohibited signs of this ordinance. Request for sign variances shall be in writing and shall be submitted along with the sign application. Such request shall demonstrate that special conditions or circumstances exist that are not applicable to other lands, structures or buildings such that an interpretation of the ordinance would result in an undue hardship. The Board of Zoning Adjustment shall review the request to determine if the variance should be granted. If the Board of Zoning Adjustment denies the request, the applicant may appeal to Circuit Court. (Ord. No. 2010-9, Sec. 7.)

7.60.09 Maintenance

- A. Signs and sign structure, including those existing prior to the effective date of this ordinance shall be maintained at all times in a state of good repair, safe and secure condition, with all letters, braces, bolts, slips, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign and able to withstand at all time the wind loads in accordance with the International Uniform Building Code.

- B. All signs shall be maintained in good structural condition and in compliance with all applicable Building and Electrical Codes at all times.
- C. Banner signs shall be kept in good repair and remain securely attached in such a manner to withstand wind loads in accordance with the International Uniform Building Code.
- D. Temporary signs shall be removed once the temporary use is complete.
- E. The city is hereby authorized to order the repair or removal of any sign which is defective, damaged, substantially deteriorated or presents a public hazard. The permit holder will have sixty (60) days to bring a sign into compliance or be fined One Hundred Dollars (\$100.00) per day for each day the sign is not brought into compliance.
- F. Maintenance and repair on non-conforming signs The legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance and repair. If a non-conforming sign is found to advertise a business that has been discontinued or out of business for ninety (90) days or more or the business signs have been abandoned and fallen into disrepair, the sign owner will be notified, and if the condition(s) is not corrected within thirty (30) days, the sign will lose legal non-conforming status and shall be required to be removed. (Ord. No. 2010-9, Sec. 8.)

7.60.10 Signs permitted in all zones The following signs are permitted in all zones:

- A. All signs not requiring a permit.
- B. One (1) construction sign for each street frontage of a construction project.
- C. Real estate signs.
- D. Political signs.
- E. Incidental signs.
(Ord. No. 2010-9, Sec. 9.)

7.60.11 Signs permitted in residential zones In addition to the signs listed in 7.60.10, the following signs are permitted in all residential zones, all other signs being specifically prohibited:

- A. Signs not exceeding thirty-two (32) square feet may be permitted by special permit for apartment buildings, schools, churches, hospitals, parks, farms and other special uses approved for the zoning district. Such signs shall indicate nothing other than the name and/or address of the premises and name of the management except that church signs may include information, concerning services and other information related to their ministry.
- B. One (1) subdivision identification sign per neighborhood, subdivision or development.
- C. A sign identifying a home occupation solely to identify the business, occupation or profession. Such sign must be physically attached to the structure or placed in the yard outside the setback limit and shall not exceed two (2) square feet in area.
- D. Temporary signs advertising garage or yard sales, provided that such signs shall be removed within twenty-four (24) hours after the end of the sale. The size of the sign will not exceed six (6) square feet. (Ord. No. 2010-9, Sec. 10.)

7.60.12 Signs permitted in commercial, industrial and old town zones In addition to the signs listed in 7.60.11, the following signs are permitted in all commercial, industrial and old town zones subject to the following regulations:

- A. All those signs permitted in the residential zones are allowed in commercial, industrial and old town zones.
- B. Ghost signs on the side of buildings are permitted. Advertising signs painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited.
- C. One (1) free standing sign is allowed per lot, premise or commercial street frontage. For buildings on corner lots, one additional free standing sign is allowed on the additional street frontage. For such corner lots, one (1) frontage must be designated as the main frontage, and one (1) must be designated as the minor frontage. Signs on the minor street frontage must not exceed seventy-five percent (75%) of the size of the display area of the free standing sign on the main frontage.
- D. Freestanding signs for multi-tenant structures and joint identification Each multi-tenant structure or a group of structures may have one (1) incidental or freestanding identification sign for each street frontage, with a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. The sign shall be a directory

sign, usually a ladder sign, and serve for the purposes of the joint business identification of tenants within the structure or group of structures. Any business or structure identified on the joint identification directory sign shall be allowed no other freestanding signs. The maximum display area of a multi-tenant/joint identification sign shall be twenty-five (25) square feet per tenant.

- E. Commercial cul-de-sac Commercial subdivision forming a cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac and not exceeding thirty-five (35) feet in height and located in such a manner that it does not restrict the view of traffic entering or exiting the subdivision.
- F. One (1) identification wall sign is permitted per principal business use.
- G. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum seven (7) feet above the surface of the sidewalk. Sign not to exceed eight (8) square feet. (Ord. No. 2010-9, Sec. 11.)

7.60.13 Non-conforming signs

- A. Existing signs which do not conform to the specific provisions of this ordinance may be eligible for the designation "legal non-conforming" provided that:
 - 1. The city determines that such sign is properly maintained and does not in any way endanger the public.
 - 2. The sign advertises a currently operating business or use.
- B. If a sign loses its legal non-conforming designation or status, the sign and all portions thereof shall be removed immediately and shall not be repaired, replaced or rebuilt unless it fully complies with all requirements of this ordinance as amended. A legal non-conforming sign shall lose its lawful non-conforming designation and status if the city determines that any of the following are applicable:
 - 1. The sign is relocated, moved, rebuilt or replaced.
 - 2. The sign is destroyed. A sign shall be deemed destroyed if any of the following occurs:
 - a. The sign is torn down or demolished;
 - b. The sign is wrecked or ruined;
 - c. Such damage has been done to the sign that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding; or

- d. More than fifty percent (50%) of the face of the sign has been shattered or a portion of the sign face touches the ground.
3. If the sign is not completely destroyed, but damage or deterioration has occurred to the point of fifty percent (50%) or more of the sign is damaged or deteriorated, the sign shall be deemed to have lost its legal non-conforming status.
4. The structure or size of the sign is altered in any material way other than by change of copy or normal maintenance which does not physically alter the sign.
5. There is a material change in the use of the premise where the sign is located.
6. A building permit is issued for any construction on the premise where the sign is located which increases the total building square footage by more than twenty-five percent (25%). (Ord. No. 2010-9, Sec. 12.)

7.60.14 Violations When a violation of the sign code exists, the Code Enforcement Officer shall issue a written order to the alleged violator. The order shall specify those sections of the sign ordinance which the individual may be in violation of and shall state that the individual has thirty (30) days from the date of the order in which to correct the alleged violation or appeal to the Board of Zoning Adjustment.

If, upon inspection, the Code Officer finds that a sign is abandoned or structurally, materially or electrically defective in such a way that it endangers the public, the Code Officer shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within thirty (30) days of the date of the order.

In cases of emergency, the Code Officer may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety. (Ord. No. 2010-9, Sec. 3.)

7.60.15 Removal of signs by the Code Officer The Code Officer may cause the removal of an illegal sign in cases of emergency, if it is located within the public right-of-way, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Code Officer.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property. The owner of the property upon which the sign is

located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Code Officer as in the case of a leased sign. For the purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign. (Ord. No. 2010-9, Sec. 4.)

7.60.16 Penalties Any person who fails to comply with the provisions of this ordinance within ten (10) days after a notice by the Code Officer, with the exception of defected sign, is subject to a fine of One Hundred Dollars (\$100.00) per day the violation continues. (Ord. No. 2010-9, Sec. 5.)

7.60.17 Appeals Any decision rendered by the Administrator/Code Officer in denying a permit or in alleging a violation of this ordinance may be appealed to the Board of Zoning Adjustment. (Ord. No. 2010-9, Sec. 6.)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Speed Limits
- 8.12 Master Street Plan
- 8.16 Non-Operating Vehicles
- 8.20 Hazardous Driving
- 8.24 Traffic Offenses
- 8.28 James Street Viaduct
- 8.32 Outdoor Shielded Lighting

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.04.01 Adoption of state laws

8.04.01 Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 27 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Mayor, is hereby adopted as traffic rules and regulations within and for the city. Any person convicted of violation of said statutes shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

CHAPTER 8.08**SPEED LIMITS****Sections:**

- 8.08.01 Fifteen m.p.h. speed limit
- 8.08.02 Twenty m.p.h. speed limit
- 8.08.03 Twenty-five m.p.h. speed limit
- 8.08.04 Thirty-five m.p.h. speed limit
- 8.08.05 Other speed limits
- 8.08.06 Sign posted

8.08.01 Speed limit The speed limit on the streets listed below is hereby set at fifteen (15) miles per hour for all purposes:

- | | |
|----------------------------|----------------------------|
| A. Park Side | C. Honeysuckle Hills |
| B. Heritage Cove | D. Honeysuckle Hills Court |
| (Ord. No. 2014-6, Sec. 1.) | |

8.08.02 Twenty m.p.h. speed limit The speed limit on the streets listed below is hereby set at twenty (20) miles per hour for all purposes:

- | | |
|----------------------------|---------------------------|
| A. Ruby Drive | O. School Avenue |
| B. Franklin Lane | P. NW Railroad |
| C. Kelly Court | Q. SW Railroad |
| D. School Wood Drive | R. NE Railroad |
| E. Suzanne Drive | S. SE Railroad |
| F. Donna Drive | T. Frazer |
| G. Michael Lane | U. Harrison |
| H. Eddie Lane | V. Hill Street |
| I. School Wood Court | W. Grant Street |
| J. Cara Jane | X. Boone |
| K. Lake Street | Y. Sunshine Lane |
| L. Forest Hills Drive | Z. Sunnyside Lane |
| M. Grist Mill | AA. Evening Sunset Circle |
| N. Davis Street | |
| (Ord. No. 2014-6, Sec. 2.) | |

8.08.03 Twenty-five m.p.h. speed limit The speed limit on the streets listed below is hereby set at twenty-five (25) miles per hour for all purposes:

- | | |
|---|------------------|
| A. Huck Finn | F. Red Oak Acres |
| B. Brodie | G. Osage Drive |
| C. James Street | H. Caddo |
| D. Rhodes Road | I. Quapaw |
| E. Sunset Valley (Ord. No. 2014-6, Sec. 3.) | |

8.08.04 Thirty-five m.p.h. speed limit The speed limit on the street listed below is hereby set at thirty-five (35) miles per hour for all purposes: River Road

8.08.05 Other speed limits The speed limit on Mark Twain between River Road and Huck Finn is twenty-five (25) m.p.h., and the speed limit on Mark Twain from Huck Finn to the levy (around the lake) is fifteen (15) m.p.h. (Ord. No. 2014-6, Sec. 4.)

8.08.06 Sign posted For each street named herein, there will be a speed limit sign posted thereon. (Ord. No. 2014-6, Sec. 6.)

CHAPTER 8.12

MASTER STREET PLAN

Sections:

- | | |
|---------|---------------------------|
| 8.12.01 | Definitions |
| 8.12.02 | Building setback line |
| 8.12.03 | Penalties |
| 8.12.04 | Construction requirements |
| 8.12.05 | Procedures |
| 8.12.06 | Penalties |

8.12.01 Definitions

Street/road A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, but shall not include a pedestrian way.

Arterial street Any streets designated as such on the Redfield Master Street Plan.

Collector street Any street designated as such on the Redfield Master Street Plan.

Local street Any street located within the city of Redfield not designated as an arterial street or collector street on the Redfield Master Street Plan.

Building setback line An imaginary line which runs parallel to the center of the street.

Setback area The area between the setback line and the center of the street.

Structure Anything constructed or erected which requires permanent location on the ground. It shall include supporting members of a structure such as columns, walls, and beams. A structure shall also mean mobile homes and temporary structures. It shall not mean free-standing signs nor signs attached to a structure. (Ord. No. 89-2, Sec. 1.)

8.12.02 Building setback line

- A. Arterial streets – The building setback line along arterial streets shall be 70 feet from the center line of said streets. No structures shall be located in the setback areas.
- B. Collector streets – The building setback line along collector streets shall be 60 feet from the center line of said streets. No structure shall be located in the setback area.
- C. Local streets – The building setback line along local streets shall be 50 feet from the center line of said streets. No structure shall be located in the setback area. (Ord. No. 89-2, Sec. 2.)

8.12.03 Penalties Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be fined One Hundred Dollars (\$100.00) per day per violation. (Ord. No. 89-2, Sec. 4.)

8.12.04 Construction requirements All construction must be in accordance with Ord. No. 89-2, the Building Setback Line Ordinance. (Ord. No. 89-3, Sec. 1.)

8.12.05 Procedures

- A. Prior to beginning any residential, commercial, or industrial construction or installing a modular or manufactured home on any lot or parcel of land within the city of Redfield, a building permit application must be obtained from the Redfield City Hall.
- B. The permit application must include providing the following information:

1. Applicant's name and address.
 2. Location of proposed construction by street address and/or legal description.
 3. Type of construction (single family residential, mobile or modular home, multi-family residential, commercial by type of use, industrial by type of use).
 4. Site plan, to include dimensions of structure and proposed distance from all property lines and any existing structures on the site.
- C. The completed application must be returned to the Redfield City Hall and be approved by the Mayor or his designee as to its compliance with the Building Setback Line Ordinance.
- D. Once approval has been obtained, the building setback permit will be issued and construction may begin.
- E. If approval is denied, the applicant may appeal the decision to the Redfield City Council provided that the appeal, with reasons as to why he/she feels that application should be approved, be submitted in writing to the Redfield City Clerk within fifteen (15) days from the date the application was denied. (Ord. No. 89-3, Sec. 2.)

8.12.06 Penalties Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be fined One Hundred Dollars (\$100.00) per day per violation. (Ord. No. 89-3, Sec. 4.)

CHAPTER 8.16

NON-OPERATING VEHICLES

Sections:

8.16.01	Title
8.16.02	Definitions
8.16.03	Prohibited conduct
8.16.04	Notice
8.16.05	Fine

8.16.01 Title This ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance." (Ord. No. 99-1, Sec. 1.)

8.16.02 Definitions For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, 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. The word "shall" is always mandatory and not merely directory.

City is the city of Redfield.

Motor vehicle is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, campers and trailers.

Junked motor vehicles is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Abandoned vehicle shall mean any motor vehicle which the last registered owner of records thereof has relinquished all further dominion and control and/or any motor vehicle which is inoperable. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of the vehicle remains in the technical custody or control of such owner, if it has remained inoperable or if the owner has relinquished dominion or control of such vehicle for seventy-two (72) hours.

Inoperable motor vehicle shall mean any vehicle placed on blocks or one that does not have current, valid license plates or has one (1) or more wheels removed, or is in a state of disrepair or is incapable of being moved under its own power.

Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. No. 99-1, Sec. 2.)

8.16.03 Prohibited conduct 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 the storage of a junk and/or abandoned automobile which is not contained in an enclosed storage building or carport 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 license and is located in a properly zoned area. In this paragraph "abandoned automobile" means any motor vehicle or part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a current safety inspection and license plate. (Ord. No. 99-1, Sec. 3.)

8.16.04 Notice Whenever the city employee designated by the Mayor or his duly authorized agent or representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this section, he shall give notice of such alleged violation to the person responsible therefore, that such alleged violation shall constitute a nuisance.

Such notice shall:

- A. Be in writing.
- B. Include a statement of the reasons why it is being issued, and the sections of the code that are alleged to be in violation.
- C. Allow a maximum of thirty (30) days for performance of any act it requires.
- D. State, that if such alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the city employee designated by the Mayor or his duly authorized agent or representative shall institute legal proceedings, charging the person with a violation of this section.
- E. The person responsible for the violation shall be notified by one (1) or more of the following methods:
 1. By delivery to the owner, agent or responsible party, personally.
 2. 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.
 3. By depositing the notice in the United States mail, addressed to the owner, agent or responsible party, at his last known address by certified mail, postage prepaid thereon.
 4. 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. 99-1, Sec. 4.)

8.16.05 Fine Violations of the provisions of this action may be prosecuted by the issuance of a criminal information or by the issuance of a citation by a law enforcement officer as required by law. Any person convicted of a violation of the provisions of this article shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or double such sum for each repetition thereof. The penalty for allowing continuance thereof of a violation that is continuous with respect to time is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued. A violation which is continuous with respect to time is a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a "penalty" does not prevent the simultaneous granting of equitable relief in appropriate cases, nor prohibit the city from servicing the removal of any personal property and enforcing a lien for the case of removal for the same. This shall be done in accordance with appropriate statutes and ordinances. (Ord. No. 99-1, Sec. 5.)

CHAPTER 8.20

HAZARDOUS DRIVING

Sections:

- 8.20.01 Prohibited driving acts
- 8.20.02 Definitions
- 8.20.03 Fine

8.20.01 Prohibited driving acts It shall be unlawful for any person to drive any vehicle in such a manner on the streets, byways, and private property of the city of Redfield, Arkansas, in violation of the following prohibited driving acts:

8.20.02 Definitions "Prohibited Driving Acts" shall be defined as follows:

- A. Improper or dangerous lane changes on streets or highways;
- B. Cutting across private property, thereby avoiding intersections, stop signs, or stop lights;
- C. Driving in such a manner or at such a speed to as to cause a skidding, spinning, or sliding of tires or a sliding of the vehicle;
- D. Driving too close to, or colliding with, parked or stopped vehicles, fixtures or objects adjacent to the streets, byways or traffic lanes;
- E. Driving a vehicle which has any part thereof, or any object, extended in such a fashion as to endanger persons or property;
- F. Driving in any manner without proper control of the vehicle;
- G. Operating a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers, or other persons; or,
- H. Operating a vehicle in such a manner as to indicate a willful or wanton disregard for the safety of persons or property. (Ord. No. 87-7, Sec. 1.)

8.20.03 Fine Any one violating this section shall be guilty of a misdemeanor and punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. (Ord. No. 87-7, Sec. 1.)

CHAPTER 8.24

TRAFFIC OFFENSES

Sections:

8.24.01 List

8.24.01 List The attached list of violations and fines will be the source of determining moving and non-moving traffic violations and fines by the Police Chief of Redfield, Arkansas and by the City Court of Redfield, Arkansas. (Ord. No. 86-4, Sec. 1.)

CHAPTER 8.28

JAMES STREET VIADUCT

Sections:

8.28.01 Weight limit 8.28.02 Fine

8.28.01 Weight limit No vehicle having a capacity of eight (8) tons or more may use the James Street Viaduct except as specifically provided herein. School and public service vehicles are excluded from the provisions of this ordinance for public safety or an emergency. Emergency is defined as an unexpected and usually dangerous situation that calls for immediate action.

In the event the Sheridan Road railway crossing is blocked for any reason for a period of more than thirty (30) minutes, then all vehicles having a weight capacity of up to eighteen (18) tons may use the James Street Viaduct, but only during such time as the Sheridan Road railway crossing is blocked. (Ord. No. 2014-1, Sec. 1.)

8.28.02 Fine Any person violating this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), and each occurrence of violation will constitute a separate offense. (Ord. No. 2014-1, Sec. 2.)

CHAPTER 8.32

OUTDOOR SHIELDED LIGHTING

Sections:

8.32.01 Cost prohibitive

8.32.01 Cost prohibitive

- A. Pursuant to Act 1963 of 2005, the city of Redfield, Arkansas, has made a determination that the cost of acquiring shielded outdoor lighting fixtures is more expensive than the alternative fixtures and is therefore prohibitive, after comparing the cost of the fixtures and the projected energy cost for the operation of the fixtures.
- B. Therefore, the city of Redfield hereby opts out of the application of such statute. (Ord. No. 2006-8, Secs. 1-2.)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Road Cuts
- 9.12 Curb Cuts
- 9.16 Numbering of Buildings and Streets

CHAPTER 9.04

ROAD CUTS

Sections:

- 9.04.01 Permit
- 9.04.02 Crossings under asphalt
- 9.04.03 Crossings under gravel
- 9.04.04 Areas disturbed
- 9.04.05 Permit

9.04.01 Permit Before any cut is made in any street or road, a permit must first be secured from the city of Redfield before the work has begun. (Ord. No. 83-14, Sec. 1.)

9.04.02 Crossings under asphalt All crossings under asphalt roads must be bored. All lines must have adequate casings. No other method will be allowed. (Ord. No. 83-14, Sec. 2.)

9.04.03 Crossings under gravel All crossings under gravel roads must be trenched. The trench must be backfilled with concrete sand within eight (8) inches of the surface and SB-2 the remaining eight (8) inches. (Ord. No. 83-14, Sec. 3.)

9.04.04 Areas disturbed All areas disturbed must be restored to original shape and accomplished in a workmanlike manner. (Ord. No. 83-14, Sec. 4.)

9.04.05 Permit A permit must be secured for any maintenance work needed that was caused by line failure. The trench must be refilled as described in 9.08.03. If on asphalt road, 2" cold mix asphalt must be applied after back-filling has settled. If the city of Redfield applies the cold mix, there will be a charge of \$3.00 per square foot of disturbed area. (Ord. No. 83-14, Sec. 5.)

CHAPTER 9.08

CURB CUTS

Sections:

- 9.08.01 Permit
- 9.08.02 Fine

9.08.01 Permit Before any person, firm or corporation shall break out or remove any curbing or gutters, install any driveways, or pipe any ditches, upon the streets of the city of Redfield, the same shall apply to the City Street Superintendent and receive for said privilege a permit. All such improvements shall be in accordance with permit requirements, as determined by the Street Superintendent. There shall be no permit fee charged. (Ord. No. 88-4, Sec. 1.)

9.08.02 Fine Any person, firm or corporation who violates this ordinance by not acquiring a permit or abiding by provisions thereof, may be fined not more than One Hundred Dollars (\$100.00) nor less than Fifty Dollars (\$50.00) for each offense. Each day during which a violation exists is a separate offense. (Ord. No. 88-4, Sec. 2.)

CHAPTER 9.12

NUMBERING OF BUILDINGS AND STREETS

Sections:

- 9.12.01 Uniform system
- 9.12.02 Base streets
- 9.12.03 Building numbering
- 9.12.04 Specific numbering

9.12.05	Streets not extending
9.12.06	Survey
9.12.07	Further designations
9.12.08	Plats
9.12.09	Conflict of numbers
9.12.10	Assignment of correct address
9.12.11	Uniform system of naming
9.12.12	Proposal for unnamed streets
9.12.13	Submitted subdivision plats
9.12.14	Changing names

9.12.01 Uniform system There is hereby established a uniform system for numbering the property frontage on all streets, avenues, and public and private ways in the Basing System of the city of Redfield. All houses and other buildings shall be numbered in accordance with the provisions of this ordinance. (Ord. No. 89-5, Sec. 1.)

9.12.02 Base streets Sheridan Road shall constitute the base line for numbering buildings along all streets heretofore called avenues running a northerly and southerly direction and Campbell Street shall constitute the base line for numbering buildings along all streets running in a easterly and westerly direction.

- A. A street running in a northerly direction shall have an address placed on the rural mail delivery box and/or building indicating its location north of said base street.
- B. A street running in a southerly direction shall have an address placed on the rural mail delivery box and/or building indicating its location south of said base street.
- C. An avenue running in a easterly direction shall have an address placed on the rural mail delivery box and/or building indicating its location east of said base street.
- D. An avenue running in a westerly direction shall have an address placed on the rural mail delivery box and/or building indicating its location west of said base street.
- E. All buildings on diagonal streets shall be numbered the same as buildings on northeasterly and southwesterly streets if the diagonal runs more from the northeast to the southwest, and the same rule shall apply on southeasterly and northwesterly streets if the diagonal runs more from the southeast to the northwest. All buildings on diagonal streets having a deviation of exactly forty-five (45) degrees, shall be numbered the same as buildings on northeasterly and southwesterly streets. (Ord. No. 89-5, Sec. 2.)

9.12.03 Building numbering The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the base line. All

numbers assigned to property and buildings shall be assigned on the basis of one for each twenty-five (25) feet of street frontage. Where a lot of record is in excess of 25 feet of street frontage, with single building occupancy, the building shall be the nearest number within the sequence of 25 feet segments. (Ord. No. 89-5, Sec. 3.)

9.12.04 Specific numbering

- A. All buildings on the southwest and southeast sides of each street shall bear odd numbers. All buildings on the northeast and northwest side of each street shall bear even numbers.
- B. Where any buildings has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant providing said building occupies a lot, parcel, or tract having a frontage equal to 25 feet for each such entrance. If the building is not located on a lot, parcel, or tract which would permit the assignment of one number to each such entrance, numerals and letters shall be used, as set forth in 9.16.07 herein. (Ord. No. 89-5, Sec. 4.)

9.12.05 Streets not extending All buildings facing streets not extending through to the base line shall be assigned the same relative block numbers derived from the block grid system as if the said street had extended to the said base line. (Ord. No. 89-5, Sec. 5.)

9.12.06 Survey

- A. The city of Redfield shall cause the necessary survey to be made and completed to determine the address of property requiring the assignment of an address or requiring a change of address under the terms of this ordinance. Thereafter, there shall be assigned to each house and other residential, commercial, industrial, or public building located on or gaining access to any street, avenue, or public way in said Basing System, its respective number under the uniform system provided for in this ordinance according to said survey.
- B. When the said survey shall have been completed and each house or building has been assigned or reassigned its respective number of numbers, the city shall notify by letter:
 - 1. The owner, occupant, or agent of affected house or building;
 - 2. The U.S. Postal Service, the major utilities serving the address area, i.e., and emergency services such as police and sheriff, fire departments and ambulance service.

The city shall make a record of the date of the letter sent and the address to which it was mailed.

- C. The owner, occupant, or agent of the affected house or building shall place or cause to be placed upon each house or building, the number or numbers assigned under the address system as provided in this ordinance.
- D. The numbers shall not be less than two (2) inches high and in a color contrasting to the building background. The numbers shall also be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street on which the number is based. Whenever any building is situated so that the number is not clearly discernible from the street line or vision of the building from the street is otherwise obscured, the number of numbers assigned shall be placed near the walk, driveway or common entrance to such buildings, and affixed upon a gate post, fence, mail box, post, or other appropriate place so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this ordinance. (Ord. No. 89-5, Sec. 6.)

9.12.07 Further designations

- A. Where only one number can be assigned to any house or building, the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building, or for any part of any such house or building fronting on any street; such owner, occupant, or agent shall be assigned the suffix (A), (B), (C), etc., as may be required. Fractional numbers shall not be used as an alternative to alphabetical designations.
- B. Distinctive names such as 1st Place, Plaza One, or the like, may be used by owners to name business locations. However, businesses so named shall also display the correct assigned address number or numbers in accord with this ordinance. (Ord. No. 89-5, Sec. 7.)

9.12.08 Plats For the purpose of facilitating correct numbering, a plat book or official map of all streets, avenues, and public ways within the city and county service area showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, public or private ways shall be kept on file in Redfield City Hall. These plats shall be open to inspection of all persons during the office hours of the City Hall. Duplicate copies of such plats shall be furnished to the Building Inspector, and other appropriate city officials. (Ord. No. 89-5, Sec. 8.)

9.12.09 Conflict of numbers It shall be the duty of the Mayor or his designee to inform any party applying for address numbers therefore of the number of numbers belonging to or embraced within the limits of any said lot or property as provided in this ordinance. In case of conflict as to the proper number to be assigned to any building, the Mayor shall determine the number of such building. (Ord. No. 89-5, Sec. 9.)

9.12.10 Assignment of correct address

- A. The owner or agent proposing to locate any house, building or structure in need of an address in the city of Redfield shall apply to the city for the assignment of the correct number or numbers.
- B. In building permit issuing are, no building permit shall be issued for structures in need of an address and no mail shall be delivered until the owner or agent has been assigned the correct address. The applicant is encouraged to post a temporary sign displaying the assigned address number at the construction site until such time the permanent number can be displayed.
- C. In those parts of the city where building permits are not issued, the owner or agency shall apply to the city for the assignment of the correct address. The address must be known by the owner or agent before electrical service is extended to the proposed building site.
- D. Final approval of any structure erected, repaired or altered for occupancy after the effective date of this ordinance shall be withheld by the city of Redfield and no mail shall be delivered until permanent and proper numbers have been affixed within thirty (30) days to said structure or otherwise in accord with the procedures of this ordinance. (Ord. No. 89-5, Sec. 10.)

9.12.11 Uniform system of naming There is hereby established a uniform system of street naming in the address service area of the city of Redfield and all streets, avenues, and other public and private ways shall be named in accordance with the provisions of this ordinance.

- A. A street or other public roadway running in the same direction and having an angular deviation of not more than 90 degrees for a distance of not more than 350 feet, shall carry the same name unless special circumstances make such a plan impracticable or not feasible.
- B. Street names shall not be duplicated within the address service area.
- C. That part of any street ending in a permanent dead end or cul-de-sac, shall not carry the designation street, avenue, or road but may carry the designation place, cove, trail, etc.
- D. The City Council may adopt further designations or any additional rules and regulations which may be required from time to time upon recommendations of the Planning Commission by amending this section. (Ord. No. 89-5, Sec. 11.)

9.12.12 Proposal for unnamed streets For the purpose of clarifying and systematizing the present street naming pattern in the address service area and to implement the application of the matters set forth in 9.16.11 herein, there is hereby adopted the following plan.

- A. The Planning Commission, coordinating with the Southeast Arkansas Regional Planning Commission, is hereby authorized to prepare and present to the City Council a recommendation for the naming of all unnamed streets, avenues, and public and private ways within the address service area of the city and to propose new names to eliminate duplications and sound alike street names.
- B. Guidelines for renaming existing streets may be used as criteria when considering the changing of a duplicate or sound-alike street name:
1. Does one street have any historical reason for its name:
 2. Which street has the least number of structures on it and thus would require the least number of address changes?
 3. Which street has had its name for the longest period of time?
 4. Is the name and thoroughfare designation suffix appropriate according to other street names in the neighborhood?
 5. Which street name is used for the longest distance or the most traveled section?
- Priorities can be established by numerically weighing the importance of these items. Streets with the highest total number would be given priority for name retention.
- C. Developers of property are encouraged to propose street names on plats containing new streets under the guidelines of this ordinance. All such names are subject to review by the Planning Commission for compliance with the ordinance. (Ord. No. 89-5, Sec. 12.)

9.12.13 Submitted subdivision plats Every subdivision plat submitted to the City Council for their approval after the effective date of this ordinance shall bear upon its face, proper names of any and all streets, avenues, and public ways proposed for public use including private streets within the jurisdiction of the city of Redfield. (Ord. No. 89-5, Sec. 13.)

9.12.14 Changing names The City Council by resolution may change, rename, or name an existing or newly established street within the limits of said Basing System at any time after the adoption of this ordinance. (Ord. No. 89-5, Sec. 14.)

TITLE 10

UTILITIES

Chapters:

- 10.04 Water Rates
- 10.08 Sewer Rates
- 10.12 Cross Connection Control Program
- 10.16 Olive Road Sewer Extension
- 10.20 Vacating Easements

CHAPTER 10.04

WATER RATES

Sections:

- 10.04.01 Water rates
- 10.04.02 Delinquent water users
- 10.04.03 Disconnection
- 10.04.04 Re-connection
- 10.04.05 Deposit
- 10.04.06 Tapping fees

10.04.01 Water rates The following rate schedule has been established for water furnished by the city of Redfield waterworks system:

RATE STRUCTURE – INSIDE CITY LIMITS The charge for water service inside the city limits shall be minimum of \$19.42 per month for the first 1,000 gallons of water as determined by the user's water meter, thereafter, the charge shall be \$5.70 per 1,000 gallons or part thereof as determined. (Ord. No. 2015-3, Sec. 1.)

RATE STRUCTURE – OUTSIDE CITY LIMITS The charge for water service outside the city limits shall be minimum of \$22.42 per month for the first 1,000 gallons of water as determined by the user's water meter, thereafter, the charge shall be \$5.70 per 1,000 gallons or part thereof as determined. (Ord. No. 2015-3, Sec. 1.)

ANNUAL INFLATION An annual inflation rate increase will occur every January in the amount of 3%, rounded off to the nearest ten cents, of the monthly water consumption per water customer.

Each year in October the Water Company will evaluate and report to the City Council with the results, after considering the cost of operation and maintenance and all other costs attributable thereto. Any year in which the City Council of the city of Redfield agrees an increase is not necessary to retain the fiscal integrity of the System they may, by majority vote of the Council, rescind the increase for that particular year. (Ord. No. 2015-3, Sec. 1.) (Ord. No. 2016-3, Sec. 2.)

10.04.02 Delinquent water users Water meters shall be disconnected and water service discontinued by the Redfield Water Company after the following procedures listed below:

- A. A water user's bill is due within ten days of billing, and the due date shall appear on the bill.
- B. If not paid by 4 p.m. on the due date, a ten percent (10%) penalty will be applied. If the due date falls on the weekend or a holiday, the (10%) penalty will be added after 4 p.m. the following business day.
- C. The City will make available a method by which water consumers may pay their bill on-line, by telephone, in the City Hall 'drop box', or at the water office during business hours, and where, if a consumer chooses to participate, an automated phone call or other electronic communication reminder may be made to the consumer to remind the consumer that the bill is past due.
- D. If the water consumer has not paid the bill in full by the 25th day of the same month in which the consumer is billed, the water service will be discontinued.
- E. While the consumer's service is disconnected, "turning on" or tampering with the water meter or its appurtenances during any time service is disconnected will result in an additional \$100.00 fine being assessed plus materials and labor if damages result from tampering. The additional fine, reconnection fee, and full payment of current bills owing must be paid before water service will be restored. (Ord. No. 2015-1, Sec. 2.)

10.04.03 Disconnection Water meters will be disconnected and water service discontinued by the Redfield Water Department if:

- A. A water consumer is determined to be allowing others to connect into his meter.
- B. A water consumer has not paid his bill in full by the 25th day of the same month.
- C. The initial water deposit has not been paid for each meter. (Ord. No. 2010-4, Sec. 1.)

10.04.04 Re-connection Any and all water consumers with a past due balance must bring their accounts completely current, or the water meters will be disconnected and water service discontinued. A Fifty Dollar (\$50.00) re-connection fee will be assessed and be due before service will be reconnected and continued on any consumer that has been disconnected. If the service has to be reconnected after normal business hours, the reconnection will be One Hundred Dollars (\$100.00). On the second occurrence of a water consumer's service having been discontinued for non-payment, the Water Department Clerk shall require a deposit equal to

the last three (3) months' bills, payment of current bills owing, and a Fifty Dollar (\$50.00) re-connection fee before service will be continued, and further provided. Upon the water consumer remaining current on the water bill for one (1) year thereafter, the Clerk will be required to refund the additional deposit. (Ord. No. 2010-4, Sec. 2.)

10.04.05 Deposit All new customers are required to pay a deposit for water service as follows:

Residential	\$110.00 deposit and \$10.00 connection charge
Small commercial	\$160.00 deposit and \$10.00 connection charge
Large commercial/ industrial, etc. To be determined by the Water Department and their Engineers or Water Commission on a one-to-one basis. (Ord. No. 2015-1, Sec. 3.)	

10.04.06 Tapping fees

A. Definitions:

Tapping fee shall mean the fee charged by the city to connect water and/or sewer lines to the city Sewer and/or Water System. The terms "tapping fee" shall be inclusive and may refer to a connection fee and/or to a capital improvement fee.

Connection fee is the portion of the tapping fee which is designed to cover the cost of connecting a water and/or sewer line to the city system as set forth in the schedule below and may include a "Road Crossing Fee" which is the cost for crossing a road with a water and/or sewer line.

Capital improvement fee is the portion of the tapping fee designed to provide funds for expansion and maintenance of the Redfield Water and Sewer System as set forth in the schedule below.

- B. All tapping fees for a particular piece of property shall be paid to the city of Redfield before the city may install a water meter on said property. The Water Clerk is hereby directed to collect said fees.
- C. Tapping fees for the city of Redfield and certain procedures for installation of water and/or sewer service shall be as set forth in the schedule below:

SCHEDULE OF TAPPING FEES

WATER CONNECTION FEES

Residential single dwelling:

Tap, service line to property line and 5/8" – 3/4" meter set to be installed by the city.

Connection fee - \$300.00 (includes city installed tap, service line to property line and 5/8" – 3/4" meter set) plus a Road Crossing Fee if necessary.

Road Crossing Fee – actual cost

Capital Improvement Fee - \$300.00

Residential single dwelling located in city-approved subdivision:

Water lines, tap and service line to property line to be installed by the developer

Connection Fee - \$150.00 (5/8" – 3/4" meter set fee, city installed).

Capital Improvement Fee - \$300.00

Residential multi-family dwelling:

(two or more residential units within one structure served by one meter):

Existing water main – tap, service line to property line and meter set to be installed by city

New water main – water line, tap and service line to property line to be installed by developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$300.00 per unit

Hotel/motel:

Existing water main – tap, service line to property line and meter set to be installed by the city

New water main – tap and service line to property line to be installed by developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$300.00 plus \$200.00 per living unit

Nursing home/assisted living:

Existing water main – tap and service line to property line and meter set to be installed by the city

New water main – tap and service line to property line to be installed by developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$300.00 plus \$200.00/room

Single commercial:

Existing water main – tap, service line to property and meter set to be installed by the city

New water main – tap and service to property line to be installed by developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$500.00 for 5/8" – 3/4" meter
 \$1,000.00 for 1" meter
 \$2,000.00 for 1 1/2" meter
 \$4,000.00 for 2" meter

Multi-commercial/malls:

Existing water main – tap, service line to property line and meter set to be installed by the city

New water main – tap and service line to property line to be installed by developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$500.00 for 5/8" – 3/4" meter
 \$1,000.00 for 1" meter
 \$2,000.00 for 1 1/2" meter
 \$4,000.00 for 2" meter

Industrial:

All services requiring a water meter larger than 1" shall be considered industrial, except multi-family, hotel/motel or nursing home/assisted living.

Existing water main – tap, service line to property line and meter set to be installed by the city

New water main – tap and service line to property line to be installed by the developer

Connection Fee – actual cost of installation

Capital Improvement Fee – to be set by the Water/Sewer Committee on a case by case basis

SEWER CONNECTION FEES**Residential single dwelling:**

Tap and 4" service line to property line to be installed by the city

Connection Fee – actual cost of installation

Capital Improvement Fee - \$600.00

Residential single dwelling located in city approved subdivision:

Sewer lines, tap and service line to property line to be installed by the developer

Capital Improvement Fee - \$600.00

Residential multi-family dwelling:

(two or more residential units within one structure)

Existing sewer line – tap and service line to property line to be installed by the city

New sewer line – sewer line, tap and service line to property line to be installed by the developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$600.00 per residential unit

Hotel/motel:

Existing sewer line – tap, and service line to property line to be installed by the city

New sewer line – sewer line, tap and service line to property line to be installed by the developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$600.00 plus \$450.00 per living unit

Nursing home/assisted living:

Tap and service line to property line to be installed by the developer

Capital Improvement Fee - \$600.00 plus \$450/room

Single commercial:

Existing sewer line – tap and service line to property line to be installed by the city

New sewer line – sewer line, tap and service line to property line to be installed by the developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$600.00 for 5/8" – 3/4" water meter
\$1,200.00 for 1" water meter
\$2,400.00 for 1 1/2" water meter
\$4,800.00 for 2" water meter

Multi-commercial/malls:

Existing sewer line – tap and service line to property line to be installed by the city

New sewer line – sewer line, tap and service line to property line to be installed by the developer

Connection Fee – actual cost of installation

Capital Improvement Fee - \$600.00 for 5/8" – 3/4" water meter
 \$1,200.00 for 1" water meter
 \$2,400.00 for 1 1/2" water meter
 \$4,800.00 for 2" water meter

Industrial:

All services requiring a water meter larger than 1" shall be considered industrial, except multi-family, hotel/motel and nursing home/assisted living.

Existing sewer line – tap and service line to property line to be installed by the city

New sewer line – sewer line, tap and service line to property line to be installed by the developer

Connection Fee – actual cost of installation

Capital Improvement Fee – to be set by the Water/Sewer Committee on a case by case basis.
 (Ord. No. 2005-6, Secs. 1-3.)

CHAPTER 10.08**SEWER RATES****Sections:**

- | | |
|----------|-----------------|
| 10.08.01 | Monthly rates |
| 10.08.02 | Vacant property |
| 10.08.03 | Statement |

10.08.01 Monthly rates The following monthly rates are determined to be reasonable and necessary minimum rates and are hereby fixed as rates to be charged for services furnished by the Sewer System for the City of Redfield:

- A. The charge for sewer service shall be a minimum of \$16.00 per month for the first 1,000 gallons as determined from the user's water meter, thereafter, the charge shall be \$3.50 per 1,000 gallons or a part thereof as determined.
- B. An annual inflation rate increase will occur every July in the amount of 3%, rounded off to the nearest ten cents, of the monthly sewer consumption per sewer customer. Each year in October the Water Company Engineers will evaluate and report to the City Council with the results, after considering the cost of operation and maintenance and all other costs attributable thereto. Any year in which the City Council of the city of Redfield agrees an increase is not necessary to retain the fiscal integrity of the System they may, by majority vote of the Council, rescind the increase for that particular year.

- C. **Tapping fee.** There shall be a tapping fee of not less than the actual cost to the City for all customers who connect with and use the sewer system.
- D. None of the facilities or services by the sewer system shall be furnished without a charge being made therefore. (Ord. No. 2015-1, Sec. 4.) (Ord. No. 2016-3, Sec. 2.)

10.08.02 Vacant property Vacant unoccupied property not actually using the sewer system shall not be subject to a charge, but the burden of showing vacancy and non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. Under the provisions of A.C.A. 14-235-223, a lien is fixed upon the land for any unpaid charge, even though the use of the sewer system is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the tenth (10th) day after the bill therefore shall be rendered, a ten percent (10%) penalty shall be added and if any sewer charge is not paid on or before the thirtieth (30th) day after the bill is rendered, suit shall be brought to enforce the lien and to collect the amount due, together with the expense of collection and a reasonable attorney's fee. (Ord. No. 2001-2, Sec. 2.)

10.08.03 Statement A single statement will be submitted for monthly water and sewer charges. Collections shall be applied first to discharge of sewer charges. In the event the city should elect to accept waste, which without pretreatment contains discharges having BOD and suspended solids, (SS), concentrations greater than 200 mg/l and 200 mg/l respectively, a substantial prepayment, subject to negotiation, of the city's capital investment in sewage treatment facilities shall be required. In addition, a surcharge shall be added to the normal rates for sewer service as established by ordinance in accordance with the following formula:

$$US = V [BOD-200] + B(SS-200)]$$

Where the following definitions apply

US = User surcharge

V = volume of discharge in million gallons

A = BOD surcharge factor in dollars per million gallons per mg/l

B = Suspended solids surcharge factor in dollars per million gallons per mg/l

The value of each of the factors A and B shall be determined annually, at the regular Council meeting in October of each year, or at a special meeting called in accordance with all applicable laws for this as well as any other lawful purpose, as the capitalized annual cost of

removal of BOD and SS at the sewage treatment plant after considering the cost of operation and maintenance, sinking fund, chemical, power depreciation, repairs, overhead and all other costs attributable thereto. The method of calculation shall be in accordance with federal guidelines pertaining to the subject. (Ord. No. 2001-2, Sec. 3.)

CHAPTER 10.12

CROSS CONNECTION CONTROL PROGRAM

Sections:

10.12.01	Intent
10.12.02	Purpose
10.12.03	Definitions
10.12.04	Operating criteria
10.12.05	Facilities requiring backflow protection
10.12.06	Approval of backflow prevention devices
10.12.07	Non-compliance
10.12.08	Ownership
10.12.09	Installation and costs
10.12.10	Testing and maintenance
10.12.11	New construction

10.12.01 Intent In compliance with the state of Arkansas *Rules and Regulations Pertaining to Public Water Systems*, Section VII.E, the Arkansas Department of Health finds it necessary for the health, safety and welfare of the people served by the water division of the City Utilities Department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code (ASPC) and its latest revisions under which the city operates. This ordinance pertains to commercial and industrial establishment only. Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this ordinance except where they fall under the preview of the Arkansas Plumbing Code (ASPC). (Ord. No. 2005-3, Sec. 1.1)

10.12.02 Purpose The purposes of this ordinance are:

- A. To provide for the protection of the public potable water supply.
- B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and

- C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 2005-3, Sec. 1.2)

10.12.03 Definitions

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

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

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

Reduced-Pressure Principle Backflow Prevention Assembly (RP) means a complete assembly meeting applicable AWWA Standard C511 and the requirements of the Arkansas State Plumbing Code consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient-seated test cocks.

Air Gap (AG) means a physical separation between two piping systems. (Ord. No. 2005-3, Sec. 1.3)

10.12.04 Operating criteria The water utility's *Cross-Connection Control Program Handbook of Policies and Procedures* is hereby incorporated into this ordinance by reference. It is the primary responsibility of the water purveyor and/or city of Redfield to evaluate the hazards inherent in supplying a consumer's water system, i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premises, the consumer shall be required to install an approved backflow prevention assembly (BFP), or an air gap, at each public water service connection to the premises in accordance with this ordinance's requirement. The type of BFP shall depend on the degree of hazard involved. The degree of hazard shall be as described in AWWA Manual M-14 or as described below.

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

- B. In the case of any premises where substances are handled that are objectionable but not hazardous to health, and the likelihood exists of its being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved double-check valve assembly.
- C. In the case of any premises where there is any material hazardous to human health which is handled in such a fashion as to create an actual or potential threat to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved reduced-pressure principal backflow prevention assembly (RB). (Ord. No. 2005-3, Sec. 1.4)

10.12.05 Facilities requiring backflow protection The following is a partial list of facilities which will require reduced-pressure principal backflow prevention assemblies (RB) or an air gap in accordance with the ASPC. Requirements are based upon the degree of hazard afforded the public potable water system.

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

The following is a partial list of facilities which will require a minimum of double check valve assembly (DC) or an air gap in accordance with the ASPC:

1. Tall buildings (over four stories) or any buildings with water booster pumps
2. Beauty parlors and barber shops
3. Hotels and motels

4. Restaurants, cafeterias, fast-food marts and other food handling facilities
 5. Fire sprinkler systems (without chemicals)
 6. Others (with suspected medium hazards)
- (Ord. No. 2005-3, Sec. 1.5)

10.12.06 Approval of backflow prevention devices Any backflow prevention assembly required herein shall be an approved type in compliance with the requirements of the *Arkansas State Plumbing Code*. (Ord. No. 2005-3, Sec. 1.6)

10.12.07 Non-compliance Service to be discontinued. Notice: Consent to enter.

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination of the water service shall be discontinued by the city of Redfield.
- B. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.
- C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the city of Redfield . If any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the city of Redfield.
- D. Upon discovery of a violation of this ordinance, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the administrative authority for action.
- E. For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or the city of Redfield, the State Health Department, and/or Plumbing Inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent the State Health Department and/or Plumbing Inspector for the purpose stated herein. (Ord. No. 2005-3, Sec. 1.7)

10.12.08 Ownership Backflow prevention assemblies installed downstream of the water meter are owned by and are the responsibility of the customer of the water utility. (Ord. No. 2005-3, Sec. 1.8.)

10.12.09 Installation and costs Customers of the city water utility requiring backflow prevention assemblies shall pay all cost associated with installation and testing of the appropriate size and type of backflow preventer under private contract. For newly constructed facilities, backflow preventers shall be installed prior to the final plumbing inspection so that the device can be included as part of the inspection. Backflow prevention assemblies shall be installed in accordance with the requirements of the *Arkansas State Plumbing Code*. (Ord. No. 2005-3, Sec. 1.9)

10.12.10 Testing and maintenance The consumer will be responsible for the testing of the backflow prevention assembly by contract with a certified Assembly Test Technician within ten (10) days of installation and annually thereafter. The consumer shall furnish the water purveyor and/or the city with a certificate of satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, the city and/or Plumbing Inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the consumer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the consumer through private contract with a certified *Assembly Repair Technician*. Records of inspections, testing and/or repairs to backflow preventers shall be kept by the water purveyor and/or city of and made available to the State Health Department upon request. (Ord. No. 2005-3, Sec. 1.10.)

10.12.11 New construction All new construction within the city of Redfield shall be effective upon passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance in accordance with the notification by the water utility. (Ord. No. 2005-3, Sec. 1.11.)

CHAPTER 10.16

OLIVE ROAD SEWER EXTENSION

Sections:

- | | |
|----------|---------------|
| 10.16.01 | Payment |
| 10.16.02 | Tie-ons |
| 10.16.03 | Property lien |

10.16.01 Payment Before any of the property owners on Olive Road (i.e., the road going to Mrs. Luther Olive's residence in Redfield, Arkansas) can tie on to the said sewer extension constructed by W.D. Cox during the calendar years of 1983 and 1984 they must pay to the said city of Redfield, Arkansas, for the use and benefit of said W.D. Cox, her heirs, successors or assigns the following sums, to-wit:

- A. The first such property to tie on to said sewer extension shall pay to the city of Redfield, Arkansas, for the use and benefit of W.D.Cox the sum of Two Thousand Five Hundred Dollars (\$2,500.00).
- B. The second such property to tie on to said sewer extension shall pay to the city of Redfield, Arkansas, for the use and benefit of W.D. Cox the sum of Twelve Hundred Fifty Dollars (\$1,250.00). (Ord. No. 83-3, Sec. 1.)

10.16.02 Tie-ons For any such sewer extension tie ones made after the calendar years of 1983 and 1984 there shall be added to the aforesaid sums in A and B above, an amount equal to five percent (5%) per annum. (Ord. No. 83-3, Sec. 2.)

10.16.03 Property lien In the event, the city of Redfield Arkansas, should neglect to collect said sum or sums before the sewer tie-ons are made, the said W.D. Cox, her heirs, successors or assigns may bring an action against the property owner or owners that are served by the said sewer extension and cause the amount due for said tie on to be fixed as a lien on the property served by the said tie on. (Ord. No. 83-3, Sec. 3.)

CHAPTER 10.20

VACATING EASEMENTS

Sections:

10.20.01 Vacating easements

10.20.01 Vacating easements

Ord. No. 80-6 Drainage and utility easement along boundary of Lots 18 and 19, River Road Estates Addition

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Standard Codes
- 11.08 Condemned Structures
- 11.12 Building Code
- 11.16 Manufactured and Modular Homes
- 11.20 Plumbing Permit
- 11.24 Mechanical Permit
- 11.28 Building Permit
- 11.32 Energy Code

CHAPTER 11.04

STANDARD CODES

Sections:

11.04.01 Standard codes

11.04.01 Standard codes The following national and state codes are hereby adopted by reference as if set out word for word and shall include all future issues of the same codes as published:

- A. The 1999 National Electrical Code; and,
- B. The 1999 Standard Building Code in lieu of the 1965 Southern Standard Building Code as adopted by Ord. No. 76-1; and,
- C. The 1999 Vol. 1 & 2 State Fire Code.
- D. The current Arkansas Plumbing Code; and,
- E. The current Arkansas Mechanical Code; and,
- F. The 1997 Standard Housing Code.

The city shall purchase and maintain on file a copy of each of the foregoing codes in City Hall; and, that the same shall be available for inspection by the public during regular office hours.
(Ord. No. 2002-1, Sec. 1.)

CHAPTER 11.08

CONDEMNED STRUCTURES

Sections:

11.08.01	Unlawful
11.08.02	Condemnation required
11.08.03	Written notification
11.08.04	Description of property, reason for condemnation
11.08.05	Notice
11.08.06	Removal
11.08.07	Duties of Building Inspector
11.08.08	Proceeds of sale
11.08.09	Enforcement of lien
11.08.10	Penalty
11.08.11	Judicial condemnation, penalty, previous sections applicable

11.08.01 Unlawful That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the city of Redfield, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 2003-2, Sec. 1.)

11.08.02 Condemnation required That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 2003-2, Sec. 2.)

11.08.03 Written notification

- A. That prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lienholder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lienholder(s), of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building and/or structure to be a nuisance.
- B. Should the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure be unknown, or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Mayor or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s),

mortgagee(s) and lienholder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) or residence or business. (Ord. No. 2003-2, Sec. 3.)

11.08.04 Description of property, reason for condemnation That the resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name(s), if known, of the owner(s) and mortgagee(s) and/or lienholder(s) thereof, and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 2003-2, Sec. 4.)

11.08.05 Notice After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner(s) and mortgagee(s) and/or lienholder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lienholder(s) thereof be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lienholder(s) of said house, building and/or structure be unknown, or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice of the condemnation. (Ord. No. 2003-2, Sec. 5.)

11.08.06 Removal If the house, building and/or structure constituting a nuisance has not been torn down and removed or said nuisance otherwise abated within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 2003-2, Sec. 6.)

11.08.07 Duties of Building Inspector The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 2003-2, Sec. 7.)

11.08.08 Proceeds of sale All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials therefrom be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city, plus any fine or fines imposed, the

balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 2003-2, Sec. 8.)

11.08.09 Enforcement of lien If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by A.C.A. 14-54-904. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Chancery Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 2003-2, Sec. 9.)

11.08.10 Penalty A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.08.05 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 2003-2, Sec. 10.)

11.08.11 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner(s) and mortgagee(s) and/or lienholder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a

nuisance by a court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of One Hundred Dollars (\$100.00) for each separate and distinct offense. In the event the owner(s) of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or any other person or persons referred to in Section 11.08.06 of this ordinance will take such action as provided in Section 11.08.07 hereof, and Section 11.08.08 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 2003-2, Sec. 11.)

CHAPTER 11.12

BUILDING CODE

Sections:

11.12.01 Adoption of Building Code

11.12.01 Adoption of Building Code The Southern Standard Building Code, being particularly the 1965 Addition as amended of which not less than three copies have been and are now filed in the office of the Recorder/Treasurer of the city of Redfield and the same are hereby adopted and incorporated as fully as set forth at length herein, and from the date of which this ordinance shall take effect, the provisions therein shall be controlling in the use, construction, repair, maintenance and occupancy of all dwellings, dwelling units and/or structures within the area of jurisdiction of the city of Redfield. (Ord. No. 76-1, Sec. 1.)

CHAPTER 11.16

MANUFACTURED AND MODULAR HOMES

Sections:

11.16.01	Definition
11.16.02	Requirements
11.16.03	Penalties

11.16.01 Definition A manufactured or modular home is a structure, transportable in one or more sections, which in the traveling mode is eight or more body feet in width or 40 body feet or more in length or when erected on the site is 320 or more square feet and which is built on a permanent chassis or transported on a low bed truck and is designed to be used as a dwelling with or without a permanent foundation. (Ord. No. 89-4, Sec. 1.)

11.16.02 Requirements

- A. Placement of the manufactured or modular home on any lot or parcel of land in the city of Redfield must be accomplished in accordance with Ord. No. 89-2, the Building Setback Line Ordinance, and in accordance with Ord. No. 89-3, the Building Setback Permitting System Ordinance.
- B. No manufactured or modular home shall be permitted unless it contains at least four hundred (400) square feet of living area.
- C. The manufactured or modular home shall be established as a part of the real property or lot or land parcel.
- D. The manufactured or modular home shall be mounted and anchored in accordance with the current state of Arkansas guidelines as set forth in Arkansas Act Number 419 of 1977 and properly underpinned and skirted.
- E. All manufactured or modular homes so established shall comply with all housing codes (plumbing, gas, electrical, building) in effect at the time the home is placed on the lot or land parcel. (Ord. No. 89-4, Sec. 2.)

11.16.03 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be fined One Hundred Dollars (\$100.00) per day per violation. (Ord. No. 89-4, Sec. 4.)

CHAPTER 11.20

PLUMBING PERMIT

Sections:

- 11.20.01 Commercial and residential
- 11.20.02 License
- 11.20.03 Penalty

11.20.01 Permitting and fee schedules

A. Plumbing systems for new construction, additions and accessory buildings:

Commercial and residential fees

\$.08 per square foot of heating and cooled space with a minimum of \$40.00, whichever is greater.

A two family dwelling (Duplex) will require one permit, more than a two family dwelling will require one permit per family (i.e., Triplex – three permits, Eightplex – 8 permits).

The Water Clerk is hereby directed to collect said fees at the time of application for plumbing permits.

B. Plumbing systems for remodel, renovation, alterations, replacement and repair:

Commercial and residential fees

\$30.00 minimum plumbing fee plus fees for fixtures as noted:

1. Plumbing fixtures \$4.00 each
2. Water heater: \$10.00 each

The Water Clerk is hereby directed to collect said fees at the time of application for plumbing permits.

C. Re-inspection of failed inspections:

Commercial and residential fees

\$30.00 each for re-inspection permit to be paid before re-inspection.
(Ord. No. 2013-2, Sec. 1.)

11.20.02 License Before conducting any business or performing any work in the city of Redfield, all such business and service providers must be licensed by the state of Arkansas to perform such work and said license must be on record with the Inspection Department for the city of Redfield. (Ord. No. 2013-2, Sec. 2.)

11.20.03 Penalty Violations of this ordinance or any of the provisions of this ordinance shall be subject to loss of water and sewer service and a possible fine by the Arkansas Department of Health Plumbing Division. Any work commencing before permit issuance shall cause the permit fee to double in costs. (Ord. No. 2013-2, Sec. 3.)

CHAPTER 11.24

MECHANICAL PERMIT

Sections:

- 11.24.01 Commercial and residential
- 11.24.02 License
- 11.24.03 Penalty

11.24.01 Commercial and residential

Residential Construction: A fee of \$0.05 per sq. ft. of the structure or \$30.00 whichever is greater. This fee will include Rough in and Final Inspection. *In cases of additions to or remodeling of existing residential units the square foot is only applied to such addition of area being remodeled.

Commercial Constructions: Any housing complex built over 4 units or greater than 5,000 sq. ft. will be deemed commercial. Fee based on Square footage of structure. \$30.00 minimum regardless of square foot.

0-5,000 sq. ft.	Base fee \$0.00	+ Sq. ft. fee \$0.05
5,001-20,000 sq. ft.	Base fee \$250.00	+ Sq. ft. fee \$0.02
20,001 or more sq. ft.	Base fee \$550.00	+ Sq. ft. fee \$0.01

This fee will include Rough in and Final Inspection. *In cases of additions to or remodeling of existing commercial structure, the per square foot fee is only applied to such addition of area being remodeled. (Ord. No. 2014-08, Sec. 1.)

Other Work The Permit fee for change-outs, boilers, refrigeration and commercial grease hoods shall be: \$60.00 for the first unit and \$30.00 for each additional unit changed out within 45 days of each other. Boiler Permits are only issued with proof of special Boiler License. *A re-inspection fee of \$30.00 shall be paid for each re-inspection necessitated by the failure of any inspection as required by the City of Redfield. Provided, however, that a Re-inspection fee shall not be required for the first Inspection.

11.24.02 License Before conducting any business or performing any work in the city of Redfield, covered under the Arkansas Mechanical Code, all such business and service providers must be licensed by the state of Arkansas to perform such work and said license must be on record with the Inspection Department for the city of Redfield. (Ord. No. 2005-1, Sec. 2.)

11.24.03 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinance to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of this ordinance or any of the provisions of this ordinance shall be punishable as a

misdemeanor offense and may be assessed a fine up to Two Hundred Fifty Dollars (\$250.00). Each day that said violation continues shall be a separate offense 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. 2005-1, Sec. 3.)

CHAPTER 11.28

BUILDING PERMIT

Sections:

- 11.28.01 Commercial and residential
- 11.28.02 License
- 11.28.03 Penalty

11.28.01 Commercial and residential

\$0	to	\$100.00	\$10.00
\$101.00	to	\$1,000.00	\$30.00
\$1,001.00	to	\$2,000.00	\$40.00
\$2,001.00	to	\$3,000.00	\$50.00
\$3,001.00	to	\$5,000.00	\$70.00
\$5,001.00	to	\$10,000.00	\$140.00
\$10,001.00	to	\$15,000.00	\$180.00
\$15,001.00	to	\$20,000.00	\$200.00
\$20,001.00	to	\$30,000.00	\$240.00
\$30,001.00	to	\$40,000.00	\$280.00
\$40,001.00	to	\$50,000.00	\$310.00
\$50,001.00	to	\$75,000.00	\$350.00
\$75,001.00	to	\$100,000.00	\$400.00
\$100,001.00	to	\$150,000.00	\$450.00
\$150,001.00	to	\$200,000.00	\$500.00

\$500.00 for the first \$200,000.00 plus \$1.00 for each additional thousand or fraction thereof.

Mobile homes: \$50.00

The City Clerk is hereby directed to collect said fees at the time of application for building permits. (Ord. No. 2005-2, Sec. 1.)

11.28.02 License Before conducting any business or performing any work in the city of Redfield, all such business and service providers must be licensed by the state of Arkansas to perform such work and said license must be on record with the Inspection Department for the city of Redfield. (Ord. No. 2005-2, Sec. 2.)

11.28.03 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinance to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of this ordinance or any of the provisions of this ordinance shall be punishable as a misdemeanor offense and may be assessed a fine up to Two Hundred Fifty Dollars (\$250.00). Each day that said violation continues shall be a separate offense 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. 2005-2, Sec. 3.)

CHAPTER 11.32

ENERGY CODE

Sections:

11.32.01 Adopted

11.32.01 Adopted There is hereby adopted by the City Council of Redfield, 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 Redfield, 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 Redfield, Arkansas. (Ord. No. 2012-17, Sec. 1.)

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Parks Commission
- 12.08 Uses and Activities in Public Parks
- 12.12 Dollarway Road Park

CHAPTER 12.04

PARKS COMMISSION

Sections:

- 12.04.01 Established
- 12.04.02 Authority
- 12.04.03 Membership
- 12.04.04 Qualifications
- 12.04.05 Compensation

12.04.01 Established. There is hereby established a Commission to acquire, construct, reconstruct, extend, equip, improve, and operate any project under A.C.A. 14-269-103 – 14-269-102. (Ord. No. 85-4, Sec. 1.)

12.04.02 Authority Said Commission shall have full and complete authority with respect to the project and its operation and with respect to the collection and disposition of revenues derived from the operation of the project. (Ord. No. 85-4, Sec. 2.)

12.04.03 Membership The Redfield Park Commission is hereby reduced from seven (7) members to five (5) members. Appointments of all said Park Commissioners shall be in accordance with the manner prescribed by law. (Ord. No. 2008-5, Secs. 1-2.)

Of the initial members of the Commission, one-third shall serve for a term of one year, one-third shall serve for a term of two years, and one-third shall serve a term of three years. The term of each replacement member shall be for a term of three years. Members of the Commission may be removed only for cause. The original members of the Commission shall be

named by the governing body of the municipality by resolution. Thereafter, each successor member, including a member appointed to fill the unexpired term of an existing member, shall be filled by appointment on the basis of a person selected by the remaining members of the Commission and reported to the City Council which must approve the appointment of the person so selected by the remaining members of the Commission. (Ord. No. 85-4, Sec. 3.)

12.04.04 Qualifications Each member of the Commission shall take and file an oath of office with the City Clerk. The members of the Commission need not reside within Redfield, but must be qualified electors at the time of the original appointment. (Ord. No. 85-4, Sec. 4.)

12.04.05 Compensation The member of the Commission shall receive no compensation for their service, but shall employ such agents, servants and employees and compensate them upon such terms as shall be necessary in order to effectively carry out the purposes of this Act. In this regard, the Commission shall have full and complete authority to do any and every act and to take any and every action necessary to carry out the purposes of the Act, including without limitation, the authority to contract and the authority to prescribe rates and charges and to enter into necessary rental and lease agreements but only the city of Redfield shall have the authority to issue revenue bonds or to in any way pledge, obligate or create a lien upon the project or any of the revenues derived therefrom. (Ord. No. 85-4, Sec. 5.)

CHAPTER 12.08

USES AND ACTIVITIES IN PUBLIC PARKS

Sections:

12.08.01	Speeds
12.08.02	Driving
12.08.03	Parking
12.08.04	Permits
12.08.05	Alcoholic beverages
12.08.06	Lakes in the park
12.08.07	Firearms
12.08.08	Hunting
12.08.09	Vandalism
12.08.10	Littering
12.08.11	Hours
12.08.12	Fine
12.08.13	Off-road vehicles
12.08.14	Rules for lake area
12.08.15	Firearms
12.08.16	Fine

12.08.01 Speeds No person shall operate a vehicle at a speed in excess of twenty (20) miles per hour in a public park or recreation area. (Ord. No. 88-1, Sec. 1.)

12.08.02 Driving It shall be unlawful for any person in a public park or recreation area to drive any vehicle on any area except park roads or parking areas or such areas as may on occasion be specifically designated as temporary areas for driving or parking. (Ord. No. 88-1, Sec. 2.)

12.08.03 Parking It shall be unlawful for any person in a public park or recreation area to park any vehicle on any area except parking areas or such areas as may on occasion be specifically designated as temporary areas for parking. (Ord. No. 88-1, Sec. 3.)

12.08.04 Permits All persons, firms or corporations desiring to sell, trade, barter or exchange any commodity, article or thing of any nature within the limits of any public park or recreation area, must prior to said sale, barter or exchange of said commodity, article or thing secure the permission of the Redfield park Commission. (Ord. No. 88-1, Sec. 4.)

12.08.05 Alcoholic beverages It shall be unlawful for any person to bring into or possess alcoholic beverages in a public park or recreation area. (Ord. No. 88-1, Sec. 5.)

12.08.06 Lakes in the park It shall be unlawful for any person to bathe or swim, or to operate a gasoline powered motor in any lake in a public park or recreation area. (Ord. No. 88-1, Sec. 6.)

12.08.07 Firearms It shall be unlawful to discharge any firearm, including air guns, B-B guns or pellet guns in a public park or recreation area. (Ord. No. 88-1, Sec. 7.)

12.08.08 Hunting It shall be unlawful for any person to hunt wildlife or game in a public park or recreation area. (Ord. No. 88-1, Sec. 8.)

12.08.09 Vandalism It shall be unlawful for any person to dig, cut wood, vandalize or otherwise damage or remove improvements or natural things or articles of any nature in a public park or recreation area. (Ord. No. 88-1, Sec. 9.)

12.08.10 Littering It shall be unlawful for any person to litter or dispose of any trash, garbage, or refuse of any kind in any public park or recreation area. (Ord. No. 88-1, Sec. 10.)

12.08.11 Hours Hours of use for public parks and recreation areas, unless otherwise specifically approved by the Redfield Park Commission, shall be from 6:00 a.m. to 11:00 p.m. (Ord. No. 88-1, Sec. 11.)

12.08.12 Fine A defendant convicted of violating any section of this ordinance shall be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 88-1, Sec. 12.)

12.08.13 Off-road vehicles It shall be unlawful to operate any ATV, UTA, off-road motorcycle or any other off-road vehicle in a public park or recreation area, except when authorized by the Redfield Park Commission. This shall not apply to the use of off-road vehicles by law enforcement, Fire Department or other emergency personnel while in the performance of official business. (Ord. No. 2012-14, Sec. 1.)

12.08.14 Rules for lake area It shall be unlawful to use any trotline, yo-yo, seining or casting net in a public park or recreation area lake. All public park and recreation area lakes will be governed by the rules of the Arkansas Game and Fish Commission. (Ord. No. 2012-14, Sec. 2.)

12.08.15 Firearms It shall be unlawful for any person to discharge any firearm including air guns, BB guns, pellet guns or any archery equipment in a public park or recreation area, unless the person is a certified law enforcement officer acting in the line of duty or the person is competing in an event sanctioned and approved by the Redfield Park Commission. (Ord. No. 2012-14, Sec. 3.)

12.08.16 Fine Any person convicted of violating any section of this ordinance shall be fined not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 2012-14, Sec. 4.)

CHAPTER 12.12

DOLLARWAY ROAD PARK

Sections:

- | | |
|----------|--------------------|
| 12.12.01 | Purchase of land |
| 12.12.02 | Named |
| 12.12.03 | Trust Fund Account |
| 12.12.04 | Funded in full |

12.12.01 Purchase of land The city of Redfield hereby gratefully accepts the gift of land from the New Edinburg and Northern Company and from the Robert Chowning family; and hereby agrees to purchase the lands referred to in the warranty deed for Two Thousand dollars (\$2,000.00). (Ord. No. 93-1, Sec. 1.)

12.12.02 Named The entire property shall be named "The Dollarway Road Park;" and any plaque or sign naming it shall refer to the gift by the Chowning family in appropriate language. (Ord. No. 93-1, Sec. 2.)

12.12.03 Trust Fund Account The city of Redfield hereby appropriates the sum of Two Thousand Dollars (\$2000.00) to be held and used in trust for the purpose set forth herein and subject to the following terms and conditions:

- A. Said sum of money shall be deposited in a separate account at the Pine Bluff National Bank at its Redfield Arkansas branch and shall not be commingled with any other funds; provided donations for the purpose of this ordinance may be made to said account.
- B. The account shall be entitled "The Dollarway Road Park Trust Account" and the only authorized signature on said account shall be the Mayor of the city of Redfield and a member of the City Council designated by the Redfield Historical Society.
- C. With the approval of the City Council of Redfield, funds in said account may be invested in obligations of the United States of America; provided, the evidence of such investment shall be held in custody and safekeeping at said bank.
- D. Upon recommendation of the Historical Society, City Council shall use the principal and income from said fund only for the purpose of improvements and betterments to The Dollarway Road Park and for no other purpose; provided that, any such improvements and betterments shall always be subject to the preservation and conservation easements set forth in said deeds. (Ord. No. 94-3, Sec. 1.)

12.12.04 Funded in full Said trust account shall be funded in full by December 31, 1995; failing which the lands described in said deeds shall be reconveyed by the city to the New Edinburg and Northern Company within thirty days. (Ord. No. 94-3, Sec. 2.)

TITLE 13

PLANNING

Chapters:

13.04 Planning Commission

CHAPTER 13.04

PLANNING COMMISSION

Sections:

- 13.04.01 Commission members
- 13.04.02 Residence requirement
- 13.04.03 Term of office

13.04.01 Commission members The Planning Commission of the city of Redfield, Arkansas, shall be composed of five (5) members to be appointed by the Mayor. (Ord. No. 2007-2, Sec. 1.)

13.04.02 Residence requirement The members appointed by the Mayor to the city of Redfield, Arkansas, Planning Commission must reside within the planning area of the city of Redfield, Arkansas. (Ord. No. 2007-2, Sec. 2.)

13.04.03 Term of office The term of office of each Planning Commission member appointed by the Mayor shall be for three (3) years, and such terms shall expire on June 30 of such year. Appointments to fill vacancies shall be for the unexpired term only. (Ord. No. 2007-2, Sec. 3.)

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted by Reference
- 14.08 Flood Plain Prevention Regulatory Code
- 14.12 Annexing, Vacating and Rezoning Property

CHAPTER 14.04

ZONING ORDINANCE ADOPTED BY REFERENCE

Sections:

- 14.04.01 Zoning ordinance adopted by reference
- 14.04.02 Penalties
- 14.04.03 Amendments

14.04.01 Zoning ordinance adopted by reference The Redfield Zoning Code, as filed in the office of the City Clerk for public examination, and as recommended by the Redfield Planning Commission, be and is hereby adopted by reference. (Ord. No. 94-2, Sec. 1.)

14.04.02 Penalties

- A. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. After the expiration date indicated by the notice of violation, any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. After the expiration date indicated by the notice of violation, each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who willfully commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 94-2, Sec. 2.)

14.04.03 Amendments

Ord. No. 95-1

Section 1. Definitions

- A. Chapter II, Section 1B shall be amended to include the following definition:

Manufactured Home: A dwelling unit that is a minimum of twenty (20) feet in width and contains a minimum of one thousand one hundred (1,000) square feet of livable floor area. Such manufactured home shall be a factory built structure which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have a permanently attached hitch to its body, frame, wheels, or axles and shall have a pitched roof. A mobile home is not a manufactured dwelling unit.

- B. Chapter II, Section 1B, #17 Mobile Home shall be amended to read as follows:

Mobile Home: A moveable or portable dwelling unit on a vehicular chassis that has axles, wheels, and hitch for the purpose of moving it. Such unit is also designed for living, whether on wheels or rigid supports.

Section 2. Use zones

- A. Chapter III, Section 1, A shall be amended to include the following permitted use:

5. Manufactured home, provided that the most recent publication of the *State of Arkansas Rules and Regulations for Manufactured Homes* is adhered to concerning site preparation, pier foundations-footings, piers-support columns, and anchoring. If the manufactured home is constructed on a raised foundation, it shall be skirted with material constructed strictly for the purpose of skirting manufactured homes or other material as may be approved by the Zoning Administrator.

- B. Chapter III, Section 2, F, 3 shall be amended to read as follows:

3. Mobile homes, provided that the most recent publication of the *State of Arkansas Rules and Regulations for Manufactured Homes* is adhered to concerning site preparation piers foundation footings, piers support columns and anchoring. Mobile homes shall be skirted with material

constructed strictly for the purpose of skirting mobile homes or other materials as may be approved by the Zoning Administrator.

C. Chapter III, Section 2, A shall be amended to include the following permitted use:

4. Manufactured home, provided that the most recent publication of the *State of Arkansas Rules and Regulations for Manufactured Homes* is adhered to concerning site preparation, pier foundations footings, piers support columns, and anchoring. If the manufactured home is constructed on a raised foundation, it shall be skirted with material constructed strictly for the purpose of skirting manufactured homes or other material as may be approved by the Zoning Administrator.

D. Chapter III, Section 8, C, 1, d shall be amended as follows:

There shall be not less than seventy-five (75) square feet of usable outdoor play space for each child receiving care in the facility. Such outside play space shall be completely enclosed with not less than a four (4) foot chain link fence. The chain link fence shall consist of links lined together without being welded and supported with galvanized metal post with top guard rail over the fencing. The quality and installation of the fence shall meet the approval of the Zoning Administrator.

Ord. No. 96-8

Section 1. Chapter III, Section 4, D shall be amended to include the following:

10. Single Family
11. Two Family

Section 2. That the following section be added to Chapter III, Section 5, D shall be amended to include the following:

8. Single Family
9. Two Family

Section 3. That Chapter VI, Section 2, D be amended to read as follows:

- D. Before any action shall be taken as provided in this section, any person or persons requesting a rezoning, variance, special use, planned unit development and/or a appeal shall pay the City Clerk the required filing fee as stated in Chapter VII, Section 3.

Ord. No. 96-10

Section 1. That chapter III, Section 4, D shall be amended to include the following:

- 10. Single Family
- 11. Two Family

Section 2. That the following section be added to Chapter III, Section 5, D shall be amended to include the following:

- 8. Single Family
- 9. Two Family

Section 3. That Chapter VI, Section 2, D be amended to read as follows:

- D. Before any action shall be taken as provided in this section, any person or persons requesting a rezoning, variance, special use, planned unit development and/or a appeal shall pay the City Clerk the required filing fee as stated in Chapter VII, Section 3.

Ord. No. 2000-3

Section 1.

- A. Chapter II. Definitions shall be amended through the addition of the following definition:

Section 1,B, 44.

Telecommunication towers: Any structure designed to provide the capability to receive, and/or communicate at a distance including by not limited to television, radio, telephone and cellular towers and structures.

Section 2.

- A. Chapter III, Use zones shall be amended through the additional of the following:

Section 1, D, 4. Telecommunication towers. If a special use request is granted to install a telecommunication tower, the tower supporting the structure shall not be located near to any existing single family dwelling regardless of which zoning district the dwelling is located in than the distance equal to the height of the tower. Existing residential dwellings or residential development lots within this distance that are owned either by the owner of the property being leased for the tower purpose or by the owner of the proposed tower shall be considered to have

met this requirement. Should there be no dwellings located within the height distance required setback, said tower, guide wires, and accessory structures shall not be located in any of the yard setbacks of the zoning district said tower is located in.

Section 2A, D, 3. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

Section 4, D, 12. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

Section 5, D, 10. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

Section 6,D, 8. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

Ord. No. 2001-4

Section 1.

- A. Chapter II, Section 1, Definitions, Subsection B-17 shall be amended to read as follows:

Mobile Home: A manufactured housing unit designed and constructed prior to the enactment of the Manufactured Housing Construction and Safety Standards (June 30, 1976).

- B. Chapter II, Section 1, Definitions, Subsection B shall be amended by adding the following definitions:

Manufactured Home: A dwelling defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 5401 et seq.), conforming to the provisions set forth in the HUD Manufactured Home Construction and Safety Standards (24 C.F.R. Part 3280.).

Manufactured Housing Construction and Safety Standards: The standards for construction, design, and performance of the manufactured home as set forth in the Code of Federal Regulations, Title 24, Parts 3280, 3282, and 42 U.S.C. 5401 et seq., as mandated by the United States of American and as administered by the United States Department of Housing and Urban Development (HUD).

- C. Chapter III, Section 1, R-1 Residential Single Family Dwelling shall mean a detached, site-built structure designed for or occupied by one family only. The

term shall not be deemed to include mobile homes, modular homes, manufactured homes, rooming houses, or motels.

Ord. No. 2004-3

Section 1.

- A. Chapter III be amended to read as follows:

Old Town Mixes Uses Zone

The intent of the Old Town Center Mixed Uses zone is to permit a mixture of commercial land uses, public land uses, and single family dwelling to be allowed to be placed in part of the area that was platted as Town of Redfield. The purpose of the zone is to protect the mixture of land uses already existing and to allow for small sized commercial, public and single family dwellings that are similar in size of the existing buildings and land uses in the zoning district.

O-T Old Town Center Mixed Use (commercial and residential)

- B. Add Chapter III, Section 2B, to read as follows:

1. Permitted Uses

- a. Those permitted uses and special uses that are allowed in the R-1 Single Family-zoning district.
- b. Those permitted uses that are allowed in the C-1 Neighborhood commercial zoning district, except two-family dwelling are allowed to be located in the district.
- c. Those permitted uses that are allowed in the C-2 General Commercial Zoning district.
- d. Public and community services, and child care facilities.

2. Area Requirements

- a. Minimum lot area shall be seven thousand five hundred (7500) square feet.
- b. Minimum lot width shall be fifty (50) feet.
- c. Front yard: Setback same as in the R-1 Residential District.
- d. Side yard street: Setback it as in the R-1 Residential District.
- e. Building coverage: For residential dwellings same as in the R-1 Residential
For commercial buildings same as in the C-1 Commercial District.

C. Off-Street Parking Requirements

1. Single Family Dwellings: Same as in the R-1 Residential District.
2. Commercial and community services, and child-care facilities same as in Chapter III, Section 7, Off-Street Parking Requirements.

Ord. No. 2006-4

Section 1

Chapter II, Section 1, B, 29 Mobile Home.

Add: No mobile home shall be placed on any lot, parcel of land, and in a manufactured home subdivision within the city of Redfield

Chapter II, Section 1, B, 20: Mobile Home Subdivision

Delete: the wording mobile home in definition

Add: the wording manufactured home in the definition

Chapter II, Section, 1, B, 21: Mobile Home Park

Delete: the wording mobile home

Add: the wording manufactured home

Chapter II, Section 1, B Definitions

Add: Section 1, B, 17A. Modular Home. A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home construction and Safety Standards.

Add: Section 1, B, 32A. Self-Service Storage Facility. A facility consisting of a building or buildings located in a controlled access area. The building or buildings containing individual storage units that have areas of less than five hundred (500) square feet and are designed for storage of non-hazardous residential goods and materials. Self-service storage facilities are not to be used as commercial storage facilities and are not to be used as a facility for on-site outdoor storage of vehicles, boats, and any other items.

Chapter III

Add: Unspecified land uses

Any proposed use that is not specifically listed as a permitted use or special use in any of the zoning districts, the Planning Commission shall determine whether or

6

not said use is compatible and in character with the other uses in one or more of the zoning districts. Should the Planning Commission decide in favor of the proposed use and place the use in one or more zoning districts, the Planning Commission shall decide each unspecified use on its own merits taking into consideration such factors as the existing land uses, access, location, Master Street Plan, Land Use Plan, etc. The Planning Commission may impose conditions under which a proposed use may be permitted in order to insure it is compatible and is in character.

Chapter III, Section 2: R-2 Residential Family and two family

Delete: Section 2, A, 3. Mobile homes, provided all requirements of Section 2,F.

Add: Section 2, A, 3. Manufactured homes, provided all requirements of Section 2, F.

Add: Section 2, A, 4. Modular Home

Chapter III, Section 3: Mobile home subdivision and/or Park

Delete: The word mobile home

Add: The word manufactured home

Chapter III, Section 3, A, 1.

6

Delete: The word mobile homes

Add: The word manufactured homes

Chapter III, Section 2, F. Requirements for mobile homes on individual lots or parcels of land in the city of Redfield.

Delete the entire section, which reads as follows:

1. The trailer or mobile home shall be established as a part of the real property or lot or land parcel
2. No trail or mobile home shall be permitted unless it contains at least seven hundred twenty (720) square feet of living area.
3. Mobile homes, provided that the most recent publication of the *State of Arkansas Rules and Regulations for Manufacturing Homes* is adhered to concerning site preparation piers foundation footings, pier support columns and anchoring. Mobile homes shall be skirted with material constructed strictly for the purpose of skirting mobile homes or other materials as may be approved by the Zoning Administrator.
4. No more than one (1) mobile home may be located on a single lot (lot of record as recorded in the Circuit Clerk's Office).

- 6
5. A permit to establish a mobile home shall be issued only after an affidavit has been filed with the City Clerk of the city of Redfield that the following requirements have been complied with:
- a. Plumbing Code, which covers water piping and sewer connections. Permit required.
 - b. Gas Code, which covers piping installed for consumer's gas. Permit required.
 - c. Electrical Code, which covers meter loops and all other electrical wiring. Permit required.
 - d. Building Code, covers set up, tie down, underpinning and skirting. Permit required.

Add this section:

- 6
1. Be occupied only as a residential use.
 2. The manufactured home shall be oriented in a manner so to be consistent with the prevalent orientation of the dwelling units in the vicinity.
 3. Be placed on permanent foundations, on footings, on piers, or on blocks in accordance with Arkansas State requirements, or manufacturer recommendation, whichever are more stringent. Both the foundation system and connection of the manufactured home to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions prescribed by the manufacturer.
 4. All foundations for manufactured housing shall not exceed a height of twenty-four (24) inches above the foundation height prevalent to the dwellings in the immediate vicinity.
 5. The skirting at the perimeter of the unit shall be composed of concrete or masonry materials, or manmade materials giving the appearance of concrete or masonry materials.
 6. The exterior will be covered with a non-reflexive material customarily used on site-built dwellings, such as board siding, plywood siding, brick or stucco.
 7. The existing structure shall have a pitched or peaked roof and covered with non-flammable roof materials used on site-built dwellings.
 8. No manufactured home shall be permitted unless it contains one thousand two hundred (1200) feet of living area (20' x 60').
 9. Have wheels, axles, and hitch mechanisms removed.
 10. Have all pertinent utilities connection in accordance with the Manufactured Housing Construction and Safety Standards Code and manufacturer's specifications.
 11. Obtain all appropriate city code permits.

Chapter III, Section 3 Mobile Home Subdivision and/or Park

Change the wording in this section to read manufactured home instead of mobile home.

Chapter III, Section 5, C. Special Uses upon Satisfaction of the Provisions of Section 8 of this chapter and Chapter III, Section 3.

Add: 9. Self-Service Storage Facilities

Chapter III, Section 6, A. Permitted Uses

Add: 6. Self-Service Storage Facilities

Chapter VI, Section 5 (Non-conforming buildings and uses), B (Continuance of Use).

Add: Chapter IV, Section 5, B, 4. to read as follows:

An existing mobile home or manufactured home that is located on a residential-zoned parcel of land and is determined to be non-conforming as defined in this ordinance may be replaced with a manufactured home provided that following conditions are met:

- A. That requirement set forth in Chapter III, Section 2, F (Requirements for placing a manufactured home on individual lots or parcels of land in the city of Redfield).
- B. That the placement of the manufactured home meets all other zoning requirements of the residential zoning district in which it is located.
- C. That the replacement manufactured home shall be placed on the lot or parcel of land within one hundred twenty (120) days if the date the existing mobile home or manufactured house is removed from the said property.
- D. That prior to placing the replacement manufactured home on said lot or parcel of land the owner shall provide the Zoning Administrator with documentation that the replacement manufactured home has an appraisal value exceeding the value of the manufacture home or mobile home that is presently located on said property.

Chapter IV, Section 5, F (Damage and Destruction):

Delete: the second sentence, which reads as follows:

Non-conforming mobile homes may be replaced with another if the expense of such restoration exceeds fifty percent (50%) of the replacement cost and the replacement of mobile home meets all the requirement of the ordinance.

Ord. No. 2007-3

Section 1

- A. Chapter II, Section 1, B, 30. Recreational Vehicles: Be amended by deleting the statement "Not to exceed 8' x 10'".

- B. Chapter III, Residential Use Zones, R-3: Be amended to read "Manufactured Home Subdivision and/or Park"
- C. Chapter III, Section 3, D, 3: Be amended to read "Commencing on the date of the adoption of this ordinance, all manufactured home subdivision/park(s) in all existing zoning districts are classified as non-conformance uses. A manufactured home subdivision/park shall not be allowed to increase the number of manufactured homes in the manufactured home subdivision/park unless and until the entire manufactured home subdivision/park is brought into conformance with this ordinance. A manufactured home or mobile home in an existing manufactured home subdivision/park may be replaced with another manufactured home provided the replacement unit meets all the other requirements of this ordinance."
- D. Chapter III, Section 7, C, 3, a. Offices, business and professional: Be amended to read "one (1) space per five hundred (500) square feet of gross floor area."
- E. Chapter IV, Section 3, A, 4: Be amended to read "It does not have a sign in excess of four (4) square feet denoting the business, occupations, or profession."

Ord. No. 2010-5

R-1-72 Residential Single Family This zone is intended primarily for residential neighborhoods characterized by residential dwellings containing a suitable lot area.

A. Permitted use

- 1. Single family dwellings Residential single family dwelling shall mean a detached, site-built structure designed for or occupied by one family only. The term shall not be deemed to include mobile homes, modular homes, manufactured homes, rooming houses, or motels.
- 2. Public schools, parks, churches and religious educational buildings.
- 3. Municipal recreational uses and public utilities and structures.
- 4. Accessory structures or uses incidental to the principal use.

B. Area requirements, residential

- 1. Minimum lot area shall be 7,200 square feet, except in un-sewered areas, such areas must comply with state health regulations.
- 2. Minimum lot width shall be sixty (60) feet (at front yard building line).
- 3. Front yard: measured from the property line.
 - a. Lots which abut arterial streets, thirty (30) feet.
 - b. Lots which abut collector streets, thirty (30) feet.
 - c. Lots which abut local service streets, twenty-five (25) feet.

4. Side yard set-backs for both sides shall total not less than twenty percent (20%) of lot width at the front yard building line, with a minimum of five (5) feet from the property line on any one side.
5. Side yard street (corner lot): Measured from the property line.
 - a. Lots which abut arterial streets, twenty (20) feet.
 - b. Lots which abut collector streets, twenty (20) feet.
 - c. Lots which abut local streets, twenty (20) feet.
6. Rear yard: Minimum twenty (20) feet from rear property line.
7. Building coverage: A maximum of thirty-five percent (35%) of the lot.
8. Rear and side yards for accessory buildings: Minimum of five (5) feet from all property lines. No structure shall be located in the front yard and side yard.
9. Off-street parking: Parking shall be provided on the lots to accommodate two (2) off-street parking spaces for each dwelling unit. The parking spaces shall not be located in the required front yard set-back and required street side yard set-back.
10. Any lot or parcel having double frontage shall be screened in accordance with this ordinance to prevent access from a side.

C. Area requirements, place of public assembly

1. Height: Maximum height shall be two and one-half (2 ½) stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly of offices.
2. Yard requirements: A minimum of twenty-five (25) feet from all property lines.
3. On-lot parking:
 - a. Places of public assembly shall provide one (1) on-lot parking space to accommodate one motor vehicle for each four (4) seats based on maximum seating capacity.
 - b. Schools:
 - (1) Elementary and junior high schools: One (1) bus parking space (500 square feet) for every one hundred (100) students, one (1) automobile parking space for each teacher and employee, and two (2) parking spaces per classroom (each automobile parking space to measure nine (9) feet by thirty-four (34) feet, inclusive of space necessary to provide access to a street or alley).
 - (2) High schools: One (1) bus parking space (500 sq. ft.) for every one hundred and fifty (150) students, one (1) automobile parking space for every ten (10) students, one

- (1) parking space for each teacher and employee and two
 - (2) parking spaces per classroom (each parking space to measure nine (9) feet by thirty-four (34) feet inclusive of space necessary to provide access to a street or alley.
 - c. All off-street parking areas must be paved with two and one-half (2 ½) inches of hot mix asphalt over eight (8) inches of compacted gravel or paved with six (6) inches concrete.
 - 4. Sidewalks: Sidewalks shall be installed within the street right-of-way at a distance of one (1) foot from the property line except where such sidewalks are deemed unnecessary by the Planning Commission. All sidewalks should be a minimum of five (5) feet in width and four (4) inches thick.
 - 5. Curb and gutter: All streets shall be curbed and guttered except where such curbs and gutters are deemed unnecessary by the Planning Commission. Curbs shall be six (6) inches high and the gutter eighteen (18) inches in width, the material used shall be concrete.
- D. Special uses upon satisfaction of the provision of Section Eight (8) of this chapter
- 1. Home occupation (criteria)
 - 2. Planning residential development
 - 3. Child care facilities
 - 4. Telecommunications towers: If a special use request is granted to install a telecommunication tower, the tower supporting the structure shall not be located near to any existing single family dwellings regardless of which zoning district the dwelling is located in than the distance equal to the height of the tower. Existing residential dwellings, or residential development lots within this distance that are owned either by the owner of the property being leased for the tower purpose or by the owner of the proposed tower shall be considered to have met this requirement. Should there be no dwellings located within the height distance required setback, said tower, guide wires, and accessory structures shall not be located in any of the yard setbacks of the zoning district said tower is located.

Ord. No. 2010-5

The entitled R-1-72 Residential Single Family zoning regulation, attached hereto and exhibited herewith, is incorporated herein by reference, as if such regulation were set forth line-for-line and word-for-word, and same are hereby adopted.

CHAPTER 14.08**FLOOD PLAIN PREVENTION REGULATORY CODE****Sections:**

14.08.01	Adopted by reference
14.08.02	Abrogation and greater restrictions
14.08.03	Interpretation
14.08.04	Warning and disclaimer of liability
14.08.05	Compliance
14.08.06	Penalty for non-compliance

14.08.01 Adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for Redfield, Arkansas. The code shall include:

Article 1	Definitions
Article 2	Administration
Article 3	Provisions for Flood Hazard Reduction

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2009-1, Sec. 6.)

6
14.08.02 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict of overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2009-1, Sec. 7.)

14.08.03 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. 2009-1, Sec. 8.)

6
14.08.04 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. 2009-1, Sec. 9.)

14.08.05 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. 2009-1, Sec. 10.)

14.08.06 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. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
- C. 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. 2009-1, Sec. 11.)

CHAPTER 14.12

ANNEXING, VACATING AND RE-ZONING PROPERTY

Sections:

14.12.01	Annexing
14.12.02	Vacating
14.12.03	Re-zoning

14.12.01 Annexing

Ord. No. 71-1	S ½ of NW ¼ of Sec. 14, Twp 3 S, Range 11 West
Ord. No. 82-6	SW ¼ of Sec. 21, Twp 3 S, Range 11 West
Ord. No. 83-15	SE ¼ of Sec. 22, Twp 3 S, Range 11 West
Ord. No. 2005-9	NE ¼ of Sec. 21, Twp 3 S, Range 11 West
Ord. No. 2006-5	SW ¼ of Sec. 15 Twp 3 S, Range 11 West
Ord. No. 2006-6	Center of Sec. 15, Twp 3 S, Range 11 West
Ord. No. 2017-2	Western on South line of Sec. 21, Twp 3S, Range 11 West

14.12.03 Re-zoning

Ord. No. 95-3	From R-2 to C-2	Block 32, Sec. 22, Twp 3 S, Range 11 West
Ord. No. 96-1	From R-1 to R-2	Lots 11 and 12, Block 39
Ord. No. 96-4	From R-2 to I-1	NE corner of Redfield Cemetery to Block 31
Ord. No. 96-6	From R-2 to I-1	SW corner of Sec. 22, Twp 3 S, Range 11 West
Ord. No. 96-7	From R-2 to I-1	NW ¼ of Sec. 22, Twp 3 S, Range 11 West
Ord. No. 97-2	From C-2 to R-2	Lots 5 and 6, Block 28
Ord. No. 97-3	To R-2	NW ¼ of Sec. 22 Twp 3, S, Range 11 West

Ord. No. 97-4	To R-2	Block 21, city of Redfield
Ord. No. 98-1	To C-2	Lots 11 and 12, Block 39
Ord. No. 98-4	From R-1 to C-1	Lots 129 and 130, River Road Estates
Ord. No. 98-5	From To C-2	NW corner of SW ¼ to center line of River Road
Ord. No. 98-6	From C-1 to R-2A	Lots 129 and 130, River Road Estates
Ord. No. 2004-2	To R-2	Lots 1 and 2, Block 27
Ord. No. 2004-4	To O-T	Blocks 16-22, 28, 29, 34 and 39
Ord. No. 2006-1	To R-2A	SE ¼ of Sec. 21, Twp 3 S, Range 11 West
Ord. No. 2006-2	To C-2	SE ¼ of Sec. 21, Twp 3 S, Range 11 West
Ord. No. 2006-3	To C-2	SE ¼ of Sec. 21, Twp 3 S, Range 11 West
Ord. No. 2009-2	To R-2	Lots 1, 2, 10, 11 & 12 of Block 29

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Regulations

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

15.04.01 Subdivision regulations

15.04.01 Subdivision regulations

- A. The Street Plan, Subdivision Regulations and Planning Area Map, passed and approved on September 18, 1973, have been revised and the same are hereby adopted by the City Council of Redfield, Arkansas.
- B. A copy of the Planning Commission regulations is attached hereto and incorporated herein. (Ord. No. 84-10, Secs. 1-2.)

INDEX

	<u>Section</u>	<u>Page</u>
A		
ALCOHOL PURCHASING	7.48	71
ANIMALS AND FOWL	TITLE 6	41
ANNEXING AND VACATING OF AREAS	14.12	131
B		
BUILDING CODE	11.12	108
BUILDING PERMIT	11.28	111
BUILDINGS AND CONSTRUCTION	TITLE 11	104
BUSINESS LICENSES	TITLE 4	21
C		
CABLE TELEVISION FRANCHISE	4.16	23
CITY ATTORNEY	2.16	12
CITY CLASSIFICATION	2.04	8
CITY COUNCIL	2.12	10
CITY COURT	2.28	16
CLASSIFICATION, ADMINISTRATION AND PERSONNEL	TITLE 2	8
CONDEMNED STRUCTURES	11.08	105
CROSS CONNECTION CONTROL PROGRAM	10.12	98
CURB CUTS	9.08	84
CURFEW, JUVENILE	7.08	54
D		
DOGS	6.04	41
DOLLARWAY ROAD PARK	12.12	116
E		
ELECTRIC FRANCHISE	4.04	21
EMERGENCY SERVICES OFFICE	7.36	68
ENERGY CODE	11.32	112

F

FIRE DEPARTMENT, VOLUNTEER	2.20	13
FIREWORKS	7.32	67
FISCAL AFFAIRS	TITLE 3	18
FIXED ASSETS	3.16	20
FLOOD PLAIN PREVENTION		
REGULATORY CODE	14.08	129
FORESTRY PLAN	7.56	73

G

GAS FRANCHISE	4.08	22
GENERAL PROVISIONS	TITLE 1	1

H

HAZARDOUS DRIVING	8.20	80
HEALTH AND SANITATION	TITLE 5	36

J

JAMES STREET VIADUCT	8.28	81
----------------------	------	----

L

LITTERING	5.08	37
LOITERING	7.12	57

M

MANUFACTURED AND MODULAR HOMES	11.16	108
MAINTENANCE OF PROPERTY	5.04	36
MASTER STREET PLAN	8.12	75.1
MECHANICAL PERMIT	11.24	110.1

N

NOISE	7.44	69
NON-OPERATING VEHICLES	8.16	77
NUMBERING OF BUILDINGS AND STREETS	9.12	84

O

OCCUPATIONAL LICENSES	4.20	34
OFFICIALS CONDUCTING BUSINESS WITH CITY	3.08	18
OLIVE ROAD SEWER EXTENSION	10.16	102
OTHER ANIMALS AND FOWL	6.08	51
OUTDOOR SHIELDED LIGHTING	8.32	82
OUTSIDE BURNING	7.44	70

P

PARKS AND RECREATION	TITLE 12	113
PARKS COMMISSION	12.04	113
PARKS, USES AND ACTIVITIES	12.08	114
PERSONNEL HANDBOOK	2.36	17.1
PLANNING	TITLE 13	118
PLANNING COMMISSION	13.04	118
PLUMBING PERMIT	11.20	109
POLICE DEPARTMENT	2.24	15
PUBLIC NUISANCE	7.20	59
PUBLIC PEACE, SAFETY AND MORALS	TITLE 7	53
PURCHASES	3.04	18

R

RECORDER/TREASURER	2.32	17
REFERENDUM PETITIONS	1.36	6
REZONING	14.12	131
ROAD CUTS	9.04	83

S

SALES TAX	3.12	19
SEWER RATES	10.08	96
SIGNS	7.60	73.3
SOLICITATION	7.28	65
SOLID WASTE COLLECTION	5.12	39
SPEED LIMITS	8.08	74
STANDARD CODES	11.04	104
STATE CRIMINAL STATUTES & PENALTIES	7.04	53
STREETS AND SIDEWALKS	TITLE 9	83
SUBDIVISION REGULATIONS	TITLE 15	133

T

TELEPHONE FRANCHISE	4.12	22
TRAFFIC OFFENSES	8.24	81
TRAFFIC STATE LAW	8.04	74

U

UTILITIES	TITLE 10	91
-----------	----------	----

V

VACATING EASEMENTS	10.20	103
VEHICLES AND TRAFFIC	TITLE 8	74
VOLATILE COMBUSTIBLES	7.24	64

W

WARD BOUNDARIES	2.08	9
WATER RATES	10.04	91
WEAPONS, PROHIBITED	7.16	59

Y

YARD SALES	7.52	72
------------	------	----

Z

ZONING	TITLE 14	119
--------	----------	-----