

TITLE 2
CLASSIFICATION, ADMINISTRATION
AND PERSONNEL

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- 2.04 City Classification
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CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as second class city

2.04.01 Operation as second class city The Town Council of the town of Clinton, Arkansas, has ordained the incorporated town be converted into a city of the second class. (Ord. No. 10, Sec. 1.)

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

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

2.08.01	Division of wards
2.08.02	Representation
2.08.03	Vacancies
2.08.04	Map

2.08.01 Division of wards The city of Clinton, Arkansas, as presently platted shall be divided into three (3) wards and are described as follows:

WARD 1 be that portion of the city bounded by the following line:

Begin at the intersection of Main St. and the Hwy. 65 Bypass thence westerly along the center of Main St. until the end of Main St. thence continue due west until the extension of Main St. intersects with the Westerly boundary line of the city thence follow the boundary line northerly and easterly until reaching the northern most boundary of the city thence follow the boundary line of the city southerly and easterly until the boundary line of the city intersects with the Little Red River at a point approximately 1/4 mile south of the intersection of section corner for Section 23, 24, 25 and 26, T 11 N, R 14 W, thence following the meanderings of the river in a northerly direction until the river intersects with the extension of Main St. thence westerly along the extension of Main St. to the point of the beginning.

WARD 2 shall consist of the following area:

Begin at the intersection of Main St. and U.S. Hwy. 65 Bypass thence westerly along Main St. to the end of Main St. thence continue westerly along the extension of Main St. until this extension intersects the westerly boundary of the city thence south to the southwest corner, SE quarter, Section 16, T 11 N, R 14 W thence east one mile along and with the boundary of the city thence south 1/2 mile along and with the boundary of the city, thence east 112 mile along and with the boundary of the city, said point being the mid point of the easterly line Section 22 T 11 N R 14 W thence north to the center of the South Fork of the Little Red River thence in a northeasterly direction following the center line of the South fork of the Little Red River until the river intersects the Little Red River, thence northwesterly along and with the center line of the Little Red River to a point where the extension of Main St. From Main St. due easterly intersects the river thence west to the point of beginning.

WARD 3 shall consist of the following area:

All that portion of the city of Clinton south of the following line: Begin at the mid-point of the east line Section 22 T 11 N, R 14 W thence north to the center of South Fork of Little Red River

thence following the center line of the South Fork of Little Red River northeasterly until the South Fork of the Little Red River intersects with the Little Red River thence following the meanderings of the Little Red River southeasterly until the Little Red River intersects with the boundary of the city of Clinton at a point approximately 1/4 mile south of the common section corner for Section 23, 24, 25, & 26, T 11 N. R 14 W. (Ord. No. 132 of 1984.)

2.08.02 Representation Each Ward shall be represented by two (2) aldermen who shall be designated Alderman No. One and Alderman No. Two. Each candidate shall meet such residency requirements and other requirements as is now provided by law. (Ord. No. 107, Sec. 2.)

2.08.03 Vacancies Each of the present Aldermen shall immediately upon passage of this ordinance, designate which position and which ward they shall consider themselves as occupying for the remainder of their respective terms. Any vacancies created by this ordinance shall be filled according to law as soon as practicable. (Ord. No. 107, Sec. 3.)

2.08.04 Map A map shall be prepared which depicts the wards as herein defined and shall be kept on file at the City Hall. (Ord. No. 107, Sec. 4.)

CHAPTER 2.12

SOCIAL SECURITY COVERAGE

Sections:

- 2.12.01 Contract
- 2.12.02 Withholding taxes from wages
- 2.12.03 City to match withholding

2.12.01 Contract The Mayor and Recorder/Treasurer are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Clinton, Arkansas, under the terms and provisions of the Federal Social Security Act.

2.12.02 Withholding taxes from wages. Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.12.03 City to match withholding. There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.(Ord. No. 60 of 1954, Sec. 104.)

CHAPTER 2.16

UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

2.16.01 Disposal The Chief of Police, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the City court with the exception of confiscated liquor.

STATE LAW REFERENCE- For procedure relating to liquor, See A.C.A. 3-3-312.

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

2.16.03 Proceeds of sale to owner The Police Chief shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold. The Recorder/Treasurer or some person designated by him or her shall keep in a well-bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

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

CHAPTER 2.20

CITY COUNCIL

Sections:

2.20.01	Council meetings - regular
2.20.02	Council meetings - special
2.20.03	Council meeting – special called by Council
2.20.04	Business at special meeting
2.20.05	Notice to news media of special meeting
2.20.06	Presiding officer
2.20.07	Conduct
2.20.08	Record of proceedings
2.20.09	Publication
2.20.10	Writing required
2.20.11	Procedure
2.20.12	Readings
2.20.13	Suspension of rules

2.20.01 Council meetings – regular Beginning in the month of September, 1083, and effective from and after the passage of this ordinance, the regular meeting dates of the City Council of the city of Clinton, Arkansas, shall be on the second Thursday of each month at City Hall at 7:00 p.m. (Ord. No. 129, Sec. 1.)

2.20.02 Council meetings - special. The Mayor shall have 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 to the City Recorder commanding him or her to summon each Alderman to attend such meeting in which summons the object of the meeting shall be stated in general terms. (Ord. No. 129, Sec. 2.)

2.20.03 Council meetings – special called by Council Whenever three (3) Aldermen shall sign a notice to the other members of the City Council of a special meeting of the Council, stating therein the object of such meeting, such special meeting shall be held at the time designated in the call, such notice shall be served by the City Recorder. (Ord. No. 129, Sec. 3.)

2.20.04 Business at special meeting At any special meeting no other business shall be transacted except that for which the meeting was called. The Council can lawfully sit and transact any business at any time without notice when all the members of the Council are present. (Ord. No. 129, Sec. 4.)

2.08.05 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. 129, Sec. 5.)

2.20.06 Presiding officer The Mayor shall preside at the meetings during the term for which he was elected, and in case his vote is needed to pass any by-law, ordinance, resolution or order or motion, the Mayor may vote. In the absence of the Mayor, the Recorder shall preside over the Council. (Ord. No. 129, Sec. 6.)

2.20.07 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. (Ord. No. 129, Sec. 7.)

2.20.08 Record of proceedings The Recorder shall keep a journal of its proceedings in the manner as other legislative bodies. The yeas and nays shall be taken and entered upon the journal on any by-law, motion, ordinance or resolution. (Ord. No. 129, Sec. 8.)

2.20.09 Publication When any ordinance of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be passed, the Recorder shall furnish a copy to a newspaper of general circulation in the city for publication. (Ord. No. 129, Sec. 9.)

2.20.10 Writing required No amendment or resolution shall be offered except in writing and the question shall be put on the last amendment offered, and in filling blanks, the question shall always be taken on the longest time, largest and highest number proposed. (Ord. No. 129, Sec. 10.)

2.20.11 Procedure The Procedural Rules for Municipal Officials booklet published by the Arkansas Municipal League, three (3) copies of which are on file in the Recorder's office, are hereby adopted as the rules to be followed in the conducting of meetings of the governing body. (Ord. No. 129, Sec. 11.)

2.20.12 Readings All resolutions must be read, seconded, and stated by the chair before they shall be subject to debate. (Ord. No. 129, Sec. 12.)

2.20.13 Suspension of rules No rules contained in this ordinance of the Procedural Rules for Municipal Officials adopted by reference hereby shall be suspended except by unanimous consent of all the members of the Council. (Ord. No. 129, Sec. 13.)

CHAPTER 2.24

MAYOR

Sections:

- 2.24.01 Office created
- 2.24.02 Election
- 2.24.03 Duties
- 2.24.04 Appointment of officers
- 2.24.05 Salary and bond

2.24.01 Office created. The office of Mayor is hereby created for the city of Clinton, Arkansas.

2.24.02 Election. On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Clinton, Arkansas, shall elect a Mayor for four (4) years.

2.24.03 Duties. As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Clinton, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.24.04 Appointment of officers. The Mayor shall appoint, subject to being overturned by the City Council of the city of Clinton, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.24.05 Salary and bond

- A. The rate of pay of the Mayor shall be determined by ordinance of the City Council of the city of Clinton, Arkansas, from time to time in a manner that will comply with the Arkansas Constitution.
- B. The Mayor shall give bond upon entering upon the discharge of his or her duty pursuant to any requirement provided in Arkansas law. (Ord. No. 01-07, Sec. 4.)

CHAPTER 2.28**CITY CLERK**Sections:

2.28.01	Offices combined
2.28.02	Compensation and pay checks
2.28.03	Duties
2.28.04	Bond

2.28.01 Offices combined. The offices of City Clerk, City Treasurer and City Recorder by and the same is hereby consolidated into one office, to be known as the office of the City Clerk. (Ord. No. 01-07, Sec. 2.)

2.28.02 Compensation

- A. The City Council shall fix the salaries for all officers. (Ord. No. 01-07, Sec. 3.)
- B. The bi-weekly pay period shall end on midnight on Wednesdays and begin at 12:00 a.m. on Thursdays. All payroll will be made on every other Friday. Checks for all city employees will be available for pickup at 11:30 a.m. by the employee or their department head to pick up their payroll check. (Ord. No. 2007-05, Secs. 2.)

2.28.03 Duties

- A. In accordance with Arkansas Code Ann. Sec. 14-43-506 (a), the Recorder/Treasurer of the city of Clinton (hereinafter referred to as "Municipal Clerk") shall maintain custody of all the laws and ordinances of the City and shall keep a regular and correct journal of City Council proceedings. With such custody, the Municipal Clerk shall maintain a current and orderly record book of all of the city's laws, ordinances, resolutions, regulations, and minutes of meetings.
- B. The Municipal Clerk shall also maintain custody of all of the business records of the city in a secure place of storage. Said records shall include, but not be limited to, financial records, ledger sheets, correspondence pertaining to city business, contracts and leases, and any other records, documents, data, tapes, pictures, reports, video etc. related to city business and retained at City Hall. Such records shall be stored in an orderly, organized fashion.
- C. The Municipal Clerk shall provide the Mayor of the city of Clinton with duplicate keys for access, inspection and copying of all of the records heretofore described. The Mayor shall not make any alterations of such records. Nor shall the Mayor remove original records from City Hall without the express approval of the Municipal Clerk. Only the Mayor shall have possession of said duplicate keys.

- D. The Municipal Clerk shall provide immediate access to all of the records described heretofore upon request of members of the City Council, acting individually or as a collective body. The members of the Council shall not make any alterations of such records. Nor shall the members of the Council remove original records from City Hall without the express approval of the Municipal Clerk.
- E. The municipal clerk shall maintain an office at the Clinton City Hall, which office shall be open to the public and staffed for a minimum of six (6) hours per day, five (5) days per week, Monday through Friday.
- F. The provisions in this Ordinance are not intended to restrict, limit, or modify any other powers and duties of the Municipal Clerk as set out in State Statutes or in City Ordinances, including but not limited to the Clerk's duties set out in ordinances pertaining to flood plan management and zoning and construction management.
- G. The purpose of these provisions is to enable the Clerk to most effectively fulfill his/her powers and duties as set out in Arkansas Code Ann. Sec. 34-43-506 as amended; to enable the Mayor to most effectively fulfill his/her powers and duties as set out in Arkansas Code Ann. Sec. 14-43-504 and 14-44-107 as amended; to enable the City Council to most effectively fulfill its powers and duties as set out in Arkansas Code Ann. Sec. 14-43-502 and 14-44-109 as amended; and to most effectively fulfill the City's powers generally as set out in Arkansas Code Ann. Sec. 14-42-307, 14-54-103, 14-54-105, 14-54-302, and 14-43-601 as amended and any other statutory provisions not specifically referred to. (Ord. No. 91-195, Secs. 1-7.)

2.28.04 Bond The City Clerk shall give bond upon entering upon the discharge of his or her duty pursuant to any requirement provided in Arkansas law. (Ord. No. 01-07, Sec. 4.)

CHAPTER 2.32

CITY ATTORNEY

Sections:

2.32.01	Appointment
2.32.02	Term of Office
2.32.03	Contract for Services
2.32.04	Duties
2.32.05	Conflict of Interest

2.32.01 Appointment The Mayor, with the advice and consent of the City Council, will appoint a licensed Arkansas attorney to fulfill the duties of the City Attorney for so long as the City qualifies to appoint a city attorney under ACA § 14-43-319. (Ord. No. 2018-01, Sec. 1)

2.32.02 Term of Office The term of office for the city attorney shall be two (2) years and shall begin/end as the terms of alderpersons in the City of Clinton. Upon the expiration of the city attorney's term, an appointed city attorney shall continue to hold the office until a successor is appointed. There is no limit to the number of terms a person may hold the office of the city attorney. Nothing herein shall prohibit the Mayor, with consent of the Council, from terminating a city attorney and nothing herein shall prohibit a city attorney from resigning, pursuant to the terms of a contract for services. (Ord. No. 2018-01, Sec. 2)

2.32.03 Contract for Services The City attorney will perform such duties as are hereinafter described and delineated, and such other duties as, from time to time, may be assigned by the Mayor or the City Council; a Contract for Services prescribing the compensation to be paid such appointed City Attorney shall be entered into periodically. (Ord. No. 2018-01, Sec. 3)

2.32.04 Duties For the compensation, benefits and consideration set forth in the Contract for Services with the appointed City Attorney, he/she shall perform the following:

- a) serve as chief legal advisor to the city council, city mayor and all city departments and offices.
- b) attend all regular City Council meetings and such special City Council meetings or committee meetings which are reasonably necessary to provide legal advice and counsel to the City;
- c) prepare such ordinances and resolutions as are needed for normal operations of the City;
- d) prosecute all City criminal, traffic and ordinance violations in the Van Buren County District Court, and any subsequent appeals of such cases; and,

e) for compensation to be delineated in the Contract for Services, the City Attorney may be requested or assigned by the Mayor or the City Council to perform services or assume special responsibilities beyond those anticipated by the foregoing. Such projects may include, but are not necessarily limited to: representation of the City in civil litigation; bond issues; representation of Clinton Water and Sewer Department or Clinton Volunteer Fire Department; and the purchase, sale or lease of property. These services shall be compensated at an hourly rate as set forth in the Contract for Services and will be billed upon the conclusion of each matter or as the matter is handled in lengthy proceedings/matters. The City Attorney may recommend that additional legal counsel be hired by the City as the matter requires, however, the City Council shall make the final determination in every case and such other counsel shall be compensated as agreed.

2.32.05 Conflict of Interest The City Attorney shall not be required to represent the City on a matter set forth in the above paragraph if the City Attorney determines that a conflict of interest or other ethical issue exists which prevents the City Attorney from legally or ethically providing representation on the matter. In such cases, the Mayor may appoint special counsel so long as there are funds appropriated for such representation. (Ord. No. 2018-01, Sec. 5)

CHAPTER 2.36

FIRE DEPARTMENT

Sections:

2.36.01	Creation
2.36.02	Personnel
2.36.03	Fees
2.36.04	Funds for equipment

2.36.01 Creation A Fire Department for the city of Clinton is hereby established. (Ord. No. 85, Sec. 1.)

2.36.02 Personnel The personnel of the Fire Department shall be composed of volunteer services of citizens of the city of Clinton. The Mayor is hereby authorized to appoint one Fire Chief. The city of Clinton, having become a class five Fire Department, is required to set boundaries for responding to fires within the city limits. The present citizen firemen and retired firemen who were citizens of the city of Clinton when they became volunteer firemen for the city of Clinton and have since moved out of the city, the city of Clinton Fire Department will continue to provide protection to those volunteer firemen and retired firemen if their residence is within a five mile radius of the boundaries of the city limits of Clinton. (Ord. No. 99-272, Sec. 1.)

2.36.03 Fees A fee of One Dollar (\$1.00) per water meter per month per customer is hereby levied for the purpose of maintaining the city Fire Department and all monies arrived therefrom are hereby directed to the specific purpose of maintaining an adequate Fire Department. It is further provided the levy herein provided for shall only be levied for such a period as a Fire Department is maintained within the standards of class 8 or better as is herein above provided. (Ord. No. 139, Sec. 1.)

2.36.04 Funds for equipment The city shall at all times provide a housing facility for equipment maintenance and provide the necessary funds for such maintenance and purchase of necessary equipment. (Ord. No. 85, Sec. 4.)

CHAPTER 2.40**POLICE DEPARTMENT**Sections:

2.40.01	Established
2.40.02	Duties of Police Chief
2.40.03	Membership of department determined by Council
2.40.04	Responsibility of department
2.40.05	Deadly Force Policy
2.40.06	Police Special Equipment Fund
2.40.07	Policy and Procedures Manual
2.40.08	Amendments to Policy and Procedures Manual
2.40.09	Racial Profiling Policy

2.40.01 Established The law enforcement and protection of the city of Clinton, Arkansas, shall be vested in and delegated to the hereinafter established police department. The police department is hereby established as the law enforcement and protection agency for the purpose of preserving peace, maintaining order, and enforcing the law and ordinances of the city of Clinton, Arkansas. (Ord. No. 138, Sec. 1.)

2.40.02 Duties of Police Chief The police department shall consist of one person, known and designated as the Chief of Police, and such other policemen as the City Council may provide, who shall be sober and intelligent; and meet requirements as may be prescribed by the City Council from time to time. Such Chief of Police and policemen shall be appointed by the Mayor of the city of Clinton, after the City Council has approved and designated such persons for the positions, for such term as the City Council shall prescribe in the appointment. The policemen and Chief shall be under the superintendency of the Mayor. Such Chief of Police and policemen shall be subject to removal by the Mayor subject to being overturned by a majority of the City Council. (Ord. No. 138 of 1985, Sec. 2.)

The Chief of Police shall give bond upon entering upon the discharge of his or her duty pursuant to any requirement provided in Arkansas law. (Ord. No. 01-07, Sec. 4.)

2.40.03 Membership of department determined by Council The membership of the police department shall be determined by the City Council, from time to time, increasing or decreasing the membership as occasion demands and their salaries shall be fixed and determined by the City Council subject to increase or decrease as the occasion demands. (Ord. No. 138 of 1985, Sec. 3.)

2.40.04 Responsibility of department The police department and its membership shall be the law enforcement and protection agency charged with the responsibility for law enforcement, protection, preservation of peace and order within the city of Clinton. (Ord. No. 138 of 1985, Sec. 4.)

2.40.05 Deadly Force Policy Use of deadly force by a member of the city of Clinton Police Department against a person is limited to the following:

- A. To effect an arrest or to prevent the escape from custody of an arrested person who, the officer reasonably believes: (1) has committed or attempted to commit a felony, (2) which involved the use or threatened use of deadly force and (3) the felon cannot otherwise be apprehended.
- B. To effect an arrest or to prevent the escape from custody of an arrested person who the officer reasonably believes: (1) has committed or attempted to commit a felony, 2) would use deadly force if not immediately apprehended, and (3) the felon cannot otherwise be apprehended.
- C. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly force.
- D. No deadly force may be used against an escaping misdemeanor.
- E. The use of “warning” shots” is prohibited.

All officers of the department, immediately upon passage of this ordinance, or as officers are hired in the future shall sign a statement which statement shall be placed in their personnel file. The statement shall recite that the officer has read and understands the foregoing policy. (Ord. No. 137 of 1985, Sec. 1.)

2.40.06 Police Special Equipment Fund

- A. There is hereby established a separate Police Special Equipment Fund on the books of the city of Clinton.
- B. A court of competent jurisdiction is authorized to assess the fees provided in A.C.A. 14-52-110 and 21-6-307 on behalf of the city of Clinton.

2.40.07 Policy and Procedures Manual

- A. The Policies and Procedures Manual as set out in a final draft dated May 4, 2018 by the Chief of Police of the Clinton, Arkansas, Police Department is hereby adopted by reference herein, as if set out word for word. (Ord. No. 2018-07)
- B. B. That a copy of said Policies and Procedures Manual shall be on file with the City Clerk of the city of Clinton. (Ord. No. 2018-07)

2.40.08 Amendments to Policy and Procedure Manual REPEALED Ord. No. 2018-07

2.40.09 Racial Profiling Policy

- A. Prohibition statement

Law enforcement officers of the Clinton Police Department shall be prohibited from utilizing race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system as the sole factors in making law enforcement decisions.

- B. Policy

It shall be the policy of this law enforcement agency that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property

seizures, or arrests of a person upon a standard of reasonable suspicion or probably cause in compliance with the US Constitution and Arkansas Constitution.

C. Purpose

1. Members of this law enforcement agency shall protect the constitutional rights of all persons, regardless of race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system. All persons shall be free to walk and drive our streets and highways and other public places without law enforcement interferences so long as they are law abiding in their actions and behaviors.
2. This policy serves to
 - a. reaffirm this law enforcement agency's commitment to unbiased law enforcement practices,
 - b. further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and
 - c. reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable fashion.

D. Definitions

Standard of reasonable suspicion identifies "a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to and imaginary or purely conjectural suspicion." However, this standard shall prohibit stops based on race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system when non-group members would not be stopped.

Biased law enforcement is the practice of a law enforcement officer relying on age, race, color, creed disability, ethnicity, gender, national origin, sexual orientation, religion, any other belief system, and or any other individual attribute other than a standard of reasonable suspicion or probable cause in the selection of persons to subject to routine pedestrian or motor vehicle stops, detentions, investigative activities, or arrests.

Reasonable belief means a belief based on reasonable cause to believe.

Reasonable cause to believe or probable cause means a basis for belief in the existence of facts that, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective and sufficient to satisfy applicable constitutional requirements.

E. Procedures

1. Training

Law enforcement officers shall receive initial and annual roll call training in operating procedures that prohibit biased law enforcement.

2. Field officer responsibilities

- a. Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
- b. Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause.
- c. Upon initial contact, each law enforcement officer shall provide his or her full name, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused, and, when possible, written identification. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information.
- d. When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each law enforcement officer shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning or a traffic citation.

3. Allegation of biased law enforcement practices by a citizen
 - a. When accused of biased law enforcement practices, the Field Officer shall first contact their immediate Supervisor for advisement on the situation.
 - b. Field Officers shall provide complainant(s) with the full name and telephone number of his or her immediate supervisor, and the contact name and telephone number of the Agency Head or his or her designee, or the Supervisor of the Internal Affairs Unit, if applicable.
 - c. Field Officers shall complete a written report detailing the incident, the allegation(s) made the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her Supervisor.
 - d. Along with their written report, Field Officers shall submit the mobile video/audio recording (MVR) tape containing the encounter in question, if applicable, to his or her Supervisor.
4. Retaliation
 - a. No member of this law enforcement agency, regardless of rank or stature, shall retaliate against officers, civilian, or volunteer employees for reporting incidents of biased law enforcement practices.
 - b. Actions or behaviors found to constitute retaliation shall be immediately disciplined and may lead to dismissal.
(Ord. No. 03-14, Sec. 1.)

CHAPTER 2.44

MUNICIPAL COURT

Sections:

- | | |
|---------|--|
| 2.44.01 | Municipal Court established |
| 2.44.02 | Qualifications and powers of Municipal Judge |

2.44.03	Salary of Municipal Judge
2.44.04	Term of Office
2.44.05	Court costs
2.44.06	Criminal Justice Fund
2.44.07	Chief Probation Officer
2.44.08	Salary
2.44.09	Fine Collection

2.44.01 Municipal Court established The Municipal Court is hereby established for the city of Clinton, Arkansas.

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

2.44.03 Salary of Municipal Judge The annual salary of the Municipal Judge shall be as set by the Arkansas General Assembly, payable in equal monthly installments, one-half to be paid by the city of Clinton and the other half to be paid by Van Buren County. (Ord. No. 86, Sec. 3.)

2.44.04 Term of office The Municipal Judge shall be elected by a majority of the votes cast for said office by the qualified electors of Van Buren County for a term of four years and until his successor is elected and qualified. Any vacancies existing in said office shall be filled by appointment by the City Council of the city of Clinton and said appointee shall serve until the next general election and until his successor is elected and qualified. (Ord. No. 86, Sec. 4.)

2.44.05 Court costs

A. The following fees shall be charged in all cases on the city of Clinton docket in the Van Buren County Municipal Court, said fees being:

State Police Retirement	\$3.00
Legal Education	1.50
Statute Revision	.25
Judicial Retirement	3.00
County Law Library Fund	3.00
Municipal Judge's and Clerk's Retirement	1.00
Policemen's Pension Fund	1.00
Defense of Indigents	5.00
Alcohol Testing Device – Public Drunk	1.00
Alcohol Testing Device – DWI	5.00
DWI Court Cost	250.00

(Ord. No. 154, Sec. 1.)

- B.
1. There is hereby levied an additional fine of Five Dollars (\$5.00) against each defendant charged with a city offense who either pleads guilty or nolo contendere to, is found guilty of, or forfeits bond on any misdemeanor or traffic offense.
 2. The revenues generated from the additional Five Dollars (\$5.00) fine shall be held in a separate account and paid over to the Van Buren County Treasurer for use in the operation of the Van Buren County Jail to defray the cost of incarcerating prisoners held in violation of city charges. (Ord. No. 03-9, Secs. 1-2.)

2.44.06 Criminal Justice Fund

- A. Ord. No. 170 established a court cost in the amount of \$5.00 for all misdemeanors and traffic violations on the city's side of the docket in the Clinton Municipal Court. The court costs and funds derived therefrom were to be utilized for the limited purpose of reimbursing then Municipal Judge, Stephen E. James, P.A., for the purchase of a computer and related hardware and software which is presently being used by the acting Municipal Court Judge. Said ordinance further provided that the funds derived from said court costs would be placed in a Criminal Justice Fund which would be used solely for the reimbursement of Stephen E. James, P.A., for the expenses related to said computer and related equipment.
- B. There is no further need for any funds to be utilized for the limited reimbursement purposes as set out in Ord. No. 170. However, there is a continuing need for the existence of the Criminal Justice Funds established in said ordinance. Moreover, court costs have continued to be collected despite the limited purpose of Ord. No. 170. Therefore, the court costs collected pursuant to Act 580 of 1987 and the establishment of a Criminal Justice Fund shall continue as before and all costs collected heretofore are hereby ratified and approved.
- C. The court costs established by Ord. No. 170 and those authorized by Act 580 of 1987 in the amount of \$5.00 for all misdemeanor and traffic violations in the city of Clinton shall continue to be levied by the Municipal Court. Said court costs shall be distributed to the City Clerk who shall credit said funds to a Criminal Justice Fund for the sole of maintaining the office, equipment, supplies and personnel of the Municipal Court. (Ord. No. 93-211, Secs. 1-3.)

2.44.07 Chief Probation Officer The position of Chief Probation Officer and the position of Deputy Probation Officer is hereby established and created in the department of the Municipal court of the city of Clinton and county of Van Buren. (Ord. No. 98-259, Sec. 1.)

2.44.08 Salary The city of Clinton shall pay one-third of the salary of the Municipal and Small Claims Court Chief Clerk and the Deputy Municipal and Small Claims Court Clerk; and one-third of the salary of the Chief Probation Officer and Deputy Probation Officer. (Ord. No. 98-259, Sec. 2.)

2.44.09 Fine Collection The 9th Judicial District, District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Clinton, Arkansas.(Ord. No. 2016-11, Sec. 1).

CHAPTER 2.48

PERSONNEL POLICIES

Sections:

- 2.48.01 Employment policies
- 2.48.02 Amendments
- 2.48.03 Canine Policies
- 2.48.04 Drug Free Workplace
- 2.48.05 Residency Requirement for Heads of Emergency Departments

2.48.01 Employment policies Attached hereto are the modifications of the 2007 City of Clinton Employee Handbook and the 2010 City of Clinton Employee Handbook.

The 2010 Clinton Employee Handbook is hereby adopted as the official Employee Handbook for all Clinton City Employees as of the effective date of the Ordinance.

All previous Ordinances adopting an employee handbook or making alterations in any employee handbook for any City of Clinton employee are hereby repealed. (Ord. No. 2010-07, Sec. 1-3.)

2.48.02 Amendments The change in the personnel handbook is as follows: (a) Non-uniformed employees shall earn 8 (eight) hours per month of sick leave. (Ord. No. 2016-07, Sec. 3.)

2.48.03 Canine Policies The Canine (K-9) Operations provision previously a part of the Employee Handbook and later deleted are hereby reinstated as before. (Ord. No. 2011-05, Sec. 1.)

2.48.04 Drug Free Workplace

Section 1. Purpose of Policy

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

The City and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the City has an interest in maintaining the efficiency, productivity and well being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law. This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by policy if the circumstances giving rise to such testing do not arise from the employees operation of a commercial motor vehicle. (Ord. No. 2008-08, Sec. 1.)

Section 2. Policy Statement

(a) All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, On City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge.

In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

(b) The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

(c) The City also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. (Ord. No. 2008-08, Sec. 2.)

Section 3. Safety and Security-Sensitive Positions Defined

(a) A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:

- Law enforcement officers who carry firearms and jailers.
- Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
- Fire department employees who directly participate in fire-fighting activities.
- Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
- Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
- Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.

(b) A security sensitive position includes:

- any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
- The City also considers law enforcement officers as holding security- sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery. (Ord. No. 2008-08, Sec. 3.)

Section 4. Drug-Free Awareness Program/Education and Training The City will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug-Free Awareness Program will inform employees about:

- The dangers of drug and alcohol abuse in the workplace;
 - The City's policy of maintaining a drug and alcohol free workplace;
 - The availability of drug and alcohol treatment, counseling and rehabilitation programs;
- and
- The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management. Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. (Ord. No. 2008-08, Sec. 4.)

Section 5. Prohibited Substances/Legal Drugs/Unauthorized Items

(a) **Prohibited Substances.** Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules through V of Section 202 of the Controlled Substances Act, 21 U.S.C. '812, and the regulations promulgated there under, and defined in the Uniform Controlled Substances Act, Ark. Code Ann. ' 5-64- 201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee's physician.

(b) **Legal Drugs.** The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully .

(c) **Unauthorized Items.** Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia. (Ord. No. 2008-08, Sec. 5.)

Section 6. Use of Alcohol and Drugs/Prohibited Conduct All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- Employees shall not consume alcohol while on duty.
- Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- Employees shall submit to all authorized drug or alcohol tests.
- Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties. In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety or security sensitive functions. (Ord. No. 2008-08, Sec. 6.)

Section 7. When Drug and Alcohol Testing May Be Required of All Employees: Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

- Prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.
- Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.
- As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- When the City management has a reasonable suspicion based on observations or credible information submitted to the City, that the employee is currently using, impaired by or under the influence of drugs or alcohol.

- When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration of 0.04 or greater) must have a verified negative drug test and/or an alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed 24 months from the date of the employee's return to duty, in accordance with an SAP's recommendations. (The City also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP's recommendations.)
- When any prohibited drug or an alcoholic beverage is found in an employee's possession.
- When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem. (Ord. No. 2008-08, Sec. 7.)

Section 8. When Drug and Alcohol Testing May Be Required of Employees Holding Safety and Security-Sensitive Positions

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

- When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
 - Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful

and feasible to do so. Further guidance must be found in At the Omnibus Transportation Employee Testing Act of 1991- Steps to Compliance for Arkansas Municipalities, published by the Arkansas Municipal League. (Ord. No. 2008-08, Sec. 8.)

Section 9. Disciplinary Action

(a) Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:

- Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
- Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch.
- Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, during breaks or at lunch.
- Any criminal drug statute conviction and/or failure to notify the City of such conviction within five (5) days.
- Refusal to cooperate in a search.
- Having an alcohol concentration of .04% or greater in any authorized alcohol test.
- Testing positive for drugs and/or their metabolites in any authorized drug test. Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

(b) In order to be re-employed following completion of a suspension for a positive drug or alcohol test, the employee must undergo and pass a return to duty drug and/or alcohol test, and be evaluated and released by an .SAP. The City will schedule the return to duty drug and/or alcohol test and the evaluation by an SAP to avoid any lost work time beyond the period of the suspension. The employee will remain on disciplinary suspension, without pay, until the City has received written notice that the employee has passed the return to duty drug test (and/or notice from the collection site that the employee had an alcohol concentration of less than 0.02 in the return to duty alcohol test) and written notice from an SAP that the employee has been released to return to duty. However, the employee may use accumulated leave time between the end of the original suspension and being released to return to work. If the employee tests positive for any drug or has an alcohol concentration of 0.02 or greater in any subsequent test, he/she shall be subject to discharge.

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

- The City may require the employee to participate in an approved treatment, counseling or rehabilitation program for drug and/or alcohol abuse at the time discipline is imposed, based on the recommendations of an SAP.
- If the employee is required to enroll in such a program, his/her reinstatement or continued employment shall be contingent upon successful completion of the program and remaining drug and alcohol free for its duration. The employee must submit to any drug and/or alcohol testing administered as part of the program, and provides the City with the results of such tests. The employee must also provide the City with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or the results of such tests may result in discipline up to and including termination.)
- An employee who has been identified as needing assistance in resolving problems associated with use of drugs and/or misuse of alcohol may be administered unannounced follow-up drug and/or alcohol tests for a period of up to 24 months.

Section 10. Employment Status Pending Receipt of Test Results In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

Section 11. Voluntary Drug and Alcohol Rehabilitation If an employee who is not otherwise subject to disciplinary action for use of drugs and/or alcohol voluntarily admits that he/she has a drug and/or alcohol abuse problem, the Mayor or his/her designee will meet with the employee to discuss the various treatment, counseling and rehabilitation options that are available. For purposes of this section, an employee's admission to having a drug and/or alcohol abuse problem will not be defined as voluntary if it is made after the employee learns that he or she has been selected for a random drug test. These options may include allowing the employee to continue working while receiving outpatient treatment, counseling or rehabilitation in an approved drug and/or alcohol abuse program, or placing the employee on a medical leave of absence while he/she is receiving treatment, counseling or rehabilitation in an approved inpatient or outpatient drug and/or alcohol abuse program. When an employee voluntarily admits that he/she has a drug and/or alcohol abuse problem, the City shall have the right to require the employee to be evaluated by an SAP and/or submit to drug and/or alcohol testing prior to deciding what action is

appropriate. No disciplinary action will be taken by the City against an employee who voluntarily admits that he/she has a drug and/or alcohol abuse problem in the situation described above.

However, the City shall have the following rights in such a situation:

- The employee may be required to enroll in and successfully complete an approved inpatient or outpatient drug and/or alcohol abuse program, and remain drug and alcohol free for its duration as a condition of reinstatement or continued employment. However, the city will not be responsible for financial obligations associated with treatment.
- If the employee is required to enroll in such a program, he/she must submit to any drug and/or alcohol tests administered as part of the program, and provide the City with the results of such tests. The employee must also provide the City with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or the results of such tests will result in discipline up to and including termination.)
- The employee shall be required to agree to be subject to unannounced follow-up drug and/or alcohol tests, at the City's discretion, for a period of up to 24 months.

2.48.06 Residency Requirement for Heads of Emergency Departments Heads of emergency departments must reside within the city limits or within 5 (five) miles of such corporate limits.

New hires to these positions who do not meet these residency requirements at the time of becoming heads of emergency departments shall do so within 30 (thirty) days of such appointment. (Ord. No. 2016-08, Secs. 3-4.)

Pages 29-36 Reserved

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CHAPTER 2.52

AIRPORT COMMISSION

Sections:

- 2.52.01 Airport Commission established
- 2.52.02 Commission - how organized
- 2.52.03 License - aeronautical services
- 2.52.04 Grant of exclusive right prohibited
- 2.52.05 Fixed base operator's license
- 2.52.06 Licensees subject to laws and regulations
- 2.52.07 Lease agreements
- 2.52.08 Construction
- 2.52.09 Procedure for construction plan approval
- 2.52.10 Privileges, uses, rights and interests
- 2.52.11 Fixed base operator's services

2.52.01 Airport Commission established An Airport commission is hereby established for the city of Clinton, Arkansas, pursuant to the Arkansas Airport Commission Act, as amended and related acts as codified in A.C.A. 14-359-101, 14-360-301 and 313. (Ord. No. 99 of 1975, Sec. 1.)

2.52.02 Commission - how organized The Airport Commission of the city of Clinton shall be organized as is provided by the Arkansas Airport commission Act, as presented or hereafter amended. The Commission shall have such powers and duties as are provided or set forth by the Airport commission Act as presently or hereafter amended or by any other statute of the State of Arkansas. (Ord. No. 99 of 1975, Sec. 2.)

2.52.03 License - aeronautical services No commercial aeronautical service or aeronautically associated service, operation or activity shall be offered or performed at the Clinton Municipal Airport without a fixed base operator's license for such service, operation or activity having first been approved and issued by the airport commission of the city of Clinton, Arkansas. Aeronautical activity of scheduled airlines and municipal, state and federal agencies shall be exempt from this provision. (Ord. No. 121)

2.52.04 Grant of exclusive right prohibited No license for exclusive right to provide commercial aeronautical service, operation or activity at the Clinton Municipal Airport shall be issued. (Ord. No. 121)

2.52.05 Fixed base operator's license A fixed base operator's license shall be issued subject to the condition that such licensee shall comply with all conditions hereinafter imposed. The fee for each fixed base operator's license will be according to the following schedule:

- A. Aircraft sales: \$10.00 per year
- B. Airframe and/or power plant repair: \$10.00 per year
- C. Aircraft Rental: \$10.00 per year
- D. Flight training and instruction: \$10.00 per year
- E. Aircraft fuels and oil service: \$10.00 per year and a separate contract with the city.
- F. Radio, instrument or propeller repair service: \$10.00 per year
- G. Air taxi service: \$10.00 per year
- H. Aerial applications: \$10.00 per year
- I. Specialized commercial flight services: \$10.00 per year
- J. Any combination thereof, or total not to exceed \$10.00 per year

Each operator shall renew his license prior to January first of each calendar year, and such fees shall be in addition to Clinton Municipal Airport property rental, landing and any other fees which may be fixed by agreement with the Clinton Municipal Airport Commission. Any operator (s) failing to renew his license prior to the above date shall suspend operations from the Clinton Municipal Airport until such time as he shall have obtained a new license.(Ord. No. 121)

2.52.06 Licensees subject to laws and regulations Each licensee and his officers, agents and employees shall carry on their activities and operations at the Clinton Municipal Airport in compliance with federal laws and Federal Aviation Administration regulations, state statutes, rules and regulations governing the use of the airport, and all applicable city ordinances. Each licensee shall be responsible for the action of his officers, agents and employees.(Ord. No. 121)

2.52.07 Lease agreements Licensees for aeronautical activity at the Clinton Municipal Airport providing ground space and structures for such activities shall enter into lease agreements with the City of Clinton, Arkansas, through the Clinton Municipal Airport Commission for the rental of such space. Each lease agreement with the city for the lease of airport property under which aeronautical services are provided to the public shall incorporate the following language:

- A. Lessee agrees that in furnishing any aeronautical services to the public it will:
 - 1. Furnish said services on a fair, equal and not unjustly discriminatory basis to all users thereof, and
 - 2. Charge fair, reasonable and not unjustly discriminatory prices for each unit or service; provided, that the lessee may make reasonable and non-discriminatory discounts, rebates or other similar types of price reductions to volume purchasers.
 - 3. Lessee further agrees that in its operation and the operation of all facilities on the leased premises, neither it nor any person or organization occupying space or facilities thereon will discriminate against any person or class of persons by reason or race, color, creed or national origin, and lessor reserves the right to take whatever action the Federal Aviation Administration directs to enforce this ovenant. (Ord. No. 121)

2.52.08 Construction All buildings and structures constructed within the Clinton Municipal Airport shall be constructed in compliance with the ordinances pertaining to such construction within the city limits of said municipality. (Ord. No. 121)

2.52.09 Procedure for construction plan approval Licensees for commercial aeronautical activity at the Clinton Municipal Airport shall follow the following procedure for approval of construction plans:

- A. Submission. The licensee shall submit to the municipal airport commission an application for preliminary approval of plans and specifications for any proposed building or structure to occupy space obtained through the commission and three (3) copies of the plans and specifications of any proposed building or structure to the city clerk at least fifteen (15) days prior to a meeting of the municipal airport commission at which

consideration is requested. The municipal airport commission will in writing advise the licensee as promptly as possible of the extent to which the proposed building or structure conforms to the requirements of the Clinton Airport Master Plan, the Clinton Planning Commission, and other city, county, state and federal agencies that may be associated with the development of the airport, and will discuss possible modification if necessary to secure conformance; provided, further, that all prospective airport tenants and licensees shall submit to the Federal Aviation Administration prior to commencement of any construction a “Notice of Proposed Construction or Alteration: on FAA Form 7460-1 as required by Part 77 of the Federal Aviation Regulations.” (Ord. No. 121)

2.52.10 Privileges, uses, rights and interests In addition to the privileges, uses, rights and interests granted to a licensee under the terms of a license or lease agreement, the following particular privileges, uses, right and interests are granted to the licensee, to wit:

- A. The loading and unloading of aircraft in areas and locations designated in the license or lease agreement.
- B. The non-exclusive use of said public airport facilities and navigational aids and facilities relating thereto for the purpose of commercial or non-commercial landings, takeoffs and taxiing of aircraft.
- C. The right of ingress to and egress from the lease premises without charge therefor, except the consideration set out herein or provided by agreement.
- D. The non-exclusive use of common use areas. (Ord. No. 121)

2.52.11 Fixed base operator’s services A fixed base operator’s services may include aerobatics, agricultural chemical services, aircraft, airframe and engine maintenance, flight training including instrument and instructor schools, charter and taxi service, aircraft rental and sales services, and ground to air communication services (UNICOM) facilities made available through droplines to all fixed base operators. Any fixed base operator undertaking any of these activities shall conform to license or lease requirements for each such activity and shall undertake no activities not specifically approved in the license or lease agreement.(Ord. No. 121)

CHAPTER 2.56

PROBATION OFFICER

Sections:

- 2.52.01 Position established
- 2.52.02 Salary

2.52.01 Position established The position of Chief Probation Officer and the position of Deputy Probation Officer is hereby established and created in the department of the Municipal Court of the city of Clinton and county of Van Buren. (Ord. No. 98-259, Sec. 1.)

2.52.02 Salary The city of Clinton shall pay one-third of the salary of the Municipal and Small Claims Court Chief Clerk and the Deputy Municipal and Small Claims Court Clerk; and one-third of the salary of the Chief Probation Officer and Deputy Probation Officer. (Ord. No. 98-259, Sec. 2.)